



# FEDERAL REGISTER

VOLUME 22

NUMBER 95

Washington, Thursday, May 16, 1957

## TITLE 3—THE PRESIDENT

### EXECUTIVE ORDER 10711

RESTORING CERTAIN LANDS COMPRISING PORTIONS OF THE LUALUALEI MILITARY RESERVATION TO THE JURISDICTION OF THE TERRITORY OF HAWAII

WHEREAS certain lands at Lualualei, District of Waianae, Island of Oahu, Territory of Hawaii, which are a part of the public lands ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation of July 7, 1898, 30 Stat. 750, were withdrawn and set aside for military purposes by Presidential Executive Order No. 2900 of July 2, 1918, as amended by Presidential Executive Order No. 3070 of April 8, 1919; and

WHEREAS the hereinafter-described parcels of such land are no longer fully needed for military purposes and it is deemed advisable and in the public interest that they be restored to the possession, use, and control of the Territory of Hawaii subject to the limitation hereinafter set forth:

NOW, THEREFORE, by virtue of the authority vested in me by section 91 of the act of April 30, 1900, 31 Stat. 159, as amended by section 7 of the act of May 27, 1910, 36 Stat. 447, it is ordered as follows:

Subject to the reservation hereinafter stated, the following-described parcels of land comprising portions of the Lualualei Military Reservation, located at Lualualei, District of Waianae, Island of Oahu, Territory of Hawaii, are hereby restored to the possession, use, and control of the Territory of Hawaii:

#### PARCEL I

Beginning at a concrete monument No. 1, at the northeast corner of this parcel of land, the southeast corner of the parcel of land conveyed to W. F. Dillingham by the United States of America by Quitclaim Deed, dated December 10, 1924, and recorded in Liber 764, Page 35, and on the northwesterly side of the former Oahu Railway and Land Company's 40-foot right-of-way, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Pu-u-o-Hulu Makai" being 3,736.93 feet North and 2,384.80 feet West, and running by azimuths measured clockwise from true South:

1. 9° 46' 30" 1115.67 feet along the westerly side of former Oahu Railway and Land Company's 40-foot right-of-way; Thence

along the same, on a curve to the left with a radius of 1975.00 feet, the chord azimuth and distance being:

2. 358° 13' 15" 791.16 feet;  
3. 346° 40' 00" 1020.59 feet along same; Thence along same, on a curve to the left with a radius of 1497.50 feet, the chord azimuth and distance being:

4. 329° 08' 30" 901.86 feet;  
5. 311° 37' 00" 856.70 feet along same; Thence along same, on a curve to the left with a radius of 1975.00 feet, the chord azimuth and distance being:

6. 295° 08' 15" 1120.48 feet;  
7. 278° 39' 30" 881.67 feet along same; Thence along same, on a curve to the right with a radius of 5665.00 feet, the chord azimuth and distance being:

8. 296° 40' 45" 3505.08 feet;  
9. 314° 42' 00" 5208.99 feet along same to a concrete monument No. 1;

10. 38° 53' 30" 165.00 feet along Nanakuli to high water mark, passing over a concrete monument No. 2 at 65.26 feet;

11. Thence along high water mark in a northwesterly direction to the southwest corner of Deed: United States of America to W. F. Dillingham dated December 10, 1924 (Liber 764, Page 35);

12. 279° 47' 00" 380.00 feet along Deed: United States of America to W. F. Dillingham dated December 10, 1924 (Liber 764, Page 35) to the point of beginning and containing a gross area of 59.73 acres, excepting and deducting all of Presidential Executive Order No. 3070, dated 8 April 1919 and all of Lot 3 of Lualualei Beach Lots (Grant 6915 to R. W. Holt) as shown on Territorial Government Survey Registered Map No. 2592, and containing a net area of 56.44 acres, more or less.

#### PARCEL II

Beginning at concrete monument No. 1 at the east corner of this parcel of land, the north corner of the parcel of land conveyed to W. F. Dillingham by the United States of America by Quit-Claim Deed, dated December 10, 1924, and recorded in Liber 764, Page 35, and on the westerly side of the former Oahu Railway and Land Company's 40-foot right-of-way, the coordinates of said point of beginning referred to Government Survey Triangulation Station "Pu-u-o-Hulu Makai" being: 9910.24 feet North and 3,253.27 feet West, and running by azimuths measured clockwise from true South:

1. 48° 45' 00" 330.00 feet along Deed: United States of America to W. F. Dillingham dated December 10, 1924 (Liber 764, Page 35) to high water mark, passing over a concrete monument No. 2 at 139.80 feet; Thence along high water mark to the south bank of Malilihi Stream, the direct azimuth and distance being:

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# FEDERAL REGISTER

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## CFR SUPPLEMENTS

(As of January 1, 1957)

The following Supplements are now available:

Title 14, Part 400 to end (\$1.00)

Title 19 (\$0.65)

Title 32, Parts 400-699 (\$1.25)

Previously announced: Title 3, 1956 Supp. (\$0.40); Titles 4 and 5 (\$1.00); Title 7, Parts 1-209 (\$1.75), Parts 900-959 (\$0.50), Part 960 to end (\$1.25); Title 8 (\$0.55); Title 9 (\$0.70); Titles 10-13 (\$1.00); Title 16 (\$1.50); Title 17 (\$0.60); Title 18 (\$0.50); Title 20 (\$1.00); Title 21 (\$0.50); Titles 22 and 23 (\$1.00); Title 24 (\$1.00); Title 25 (\$1.25); Title 26, Parts 1-79 (\$0.35), Parts 80-169 (\$0.50), Parts 170-182 (\$0.35), Parts 183-299 (\$0.30), Part 300 to end, Ch. I, and Title 27 (\$1.00); Titles 28 and 29 (\$1.50); Titles 30 and 31 (\$1.50); Title 32, Parts 700-799 (\$0.50), Parts 800-1099 (\$0.55), Part 1100 to end (\$0.50); Title 33 (\$1.50); Title 39 (\$0.50); Titles 40, 41, and 42 (\$1.00); Title 43 (\$0.60); Titles 47 and 48 (\$2.75); Title 49, Parts 1-70 (\$0.65), Parts 91-164 (\$0.60), Part 165 to end (\$0.70)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D. C.

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2. 143° 33' 01" 287.50 feet; Thence along the south bank of Maillili Stream, the direct azimuth and distance being:

3. 248° 13' 31" 320.00 feet;

4. 317° 23' 45" 63.79 feet along the westerly side of the former Oahu Railway and Land Company's 40-foot right-of-way to a concrete monument No. 6; Thence along same, on a curve to the right with a radius of 1126.09 feet, the chord azimuth and distance being:

5. 317° 23' 45" 116.21 feet to the point of beginning and containing an area of 1.5 acres, more or less.

There is reserved unto the United States the right of ingress, egress, and regress over and upon the subject property for armed-forces maneuver purposes.

DWIGHT D. EISENHOWER

THE WHITE HOUSE,

May 14, 1957.

[F. R. Doc. 57-4068; Filed, May 15, 1957; 11:39 a. m.]

## RULES AND REGULATIONS

### TITLE 5—ADMINISTRATIVE PERSONNEL

#### Chapter I—Civil Service Commission

##### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

###### DEPARTMENT OF JUSTICE

Effective upon publication in the FEDERAL REGISTER, paragraph (d) (13) is added to § 6.308 as set out below.

§ 6.308 *Department of Justice.* \* \* \*

(d) *Anti-Trust Division.* \* \* \*

(13) Chief, Congressional Reports Section.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 57-4011; Filed, May 15, 1957; 8:50 a. m.]

### TITLE 14—CIVIL AVIATION

#### Chapter I—Civil Aeronautics Board

##### Subchapter A—Civil Air Regulations

[Supp. 26]

##### PART 40—SCHEDULED INTERSTATE AIR CARRIER CERTIFICATION AND OPERATION RULES

###### OPERATIONS MANUAL

The purpose of this supplement is to permit the inclusion of takeoff, en route, and landing weight limitations data in a handbook, exclusive of the operations manual, to be carried in the aircraft to which the data applies.

Section 40.51-2 is added to read as follows:

§ 40.51-2 *Contents of manual (CAA interpretations which apply to § 40.51*

(a) (8)). Information respecting take-off, en route, and landing weight limitations appropriate for the use of flight operations personnel may be placed in a separate handbook or manual, which is carried in the aircraft to which the data applies in lieu of placing such material in the operations manual. In such case, the operations manual must contain all necessary instructions as to the handbook's or manual's location and use by the flight operations personnel.

(Sec. 205, 52 Stat. 984, as amended; 49 U. S. C. 425. Interprets or applies sec. 601, 52 Stat. 1007, as amended; 49 U. S. C. 551)

This supplement shall become effective June 1, 1957.

[SEAL]

WILLIAM B. DAVIS,  
Acting Administrator  
of Civil Aeronautics.

MAY 8, 1957.

[F. R. Doc. 57-3983; Filed, May 15, 1957; 8:45 a. m.]

### TITLE 21—FOOD AND DRUGS

#### Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

##### Subchapter C—Drugs

##### PART 130—NEW DRUGS

##### EXEMPTION OF CERTAIN VIBESATE PREPARATIONS FROM PRESCRIPTION-DISPENSING REQUIREMENTS

There was published in the FEDERAL REGISTER of March 29, 1957 (22 F. R. 2086), notice of proposed amendment to § 130.102 (a) (21 CFR 1956 Supp. 130.102 (a)). No comments having been filed with respect to the proposed amendment within the 30-day period stipulated in the above-referenced notice, the amendment set out below is hereby ordered, effective 30 days from the date of its publication in the FEDERAL REGISTER, pursuant to the authority vested in the Secretary of Health, Education, and Welfare by the Federal Food, Drug, and Cosmetic Act (secs. 503, 505, 701; 65 Stat. 649, 52 Stat. 1052, 1055, as amended; 21 U. S. C. 353, 355, 371) and delegated to the Commissioner of Food and Drugs by the Secretary (21 CFR 1956 Supp. 130.101 (b)).

In § 130.102 *Exemption for certain drugs limited by new-drug applications to prescription sale*, paragraph (a) is amended by adding the following new subparagraph (18):

(18) Vibesate (a mixture of copolymers of hydroxy-vinyl chlorideacetate, sebacic acid, and modified maleic rosin ester) preparations meeting all the following conditions.

(i) The vibesate is prepared and packaged, with or without other drugs, solvents, and propellants, in a form suitable for self-medication by external application to the skin as a spray, and containing no drug limited to prescription sale under the provisions of section 503 (b) (1) of the act.

(ii) The vibesate and all other components of the preparation meet their professed standards of identity, strength, quality, and purity.

(iii) If the preparation is a new drug, an application pursuant to section 505 (b) of the act is effective for it.

(iv) The preparation contains not more than 13 percent by weight of vibesate.

(v) The preparation is labeled with adequate directions for use by external application as a dressing for minor burns, minor cuts, or other minor skin irritations.

(vi) The labeling bears in juxtaposition with the directions for use clear warning statements against:

(a) Use on serious burns and on infected, deep, and puncture wounds unless directed by a physician.

(b) Spraying the preparation near the eyes or other mucous membranes.

(c) Inhaling the preparation.

(d) Use near open flames.

(e) Puncturing the container or throwing the container into fire.

(Sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interprets or applies secs. 503, 505, 52 Stat. 1051, as amended; 1052, as amended; 21 U. S. C. 353, 355)

Dated: May 9, 1957.

[SEAL]

J. L. HARVEY,  
Deputy Commissioner  
of Food and Drugs.

[F. R. Doc. 57-4014; Filed, May 15, 1957; 8:50 a. m.]

### TITLE 32—NATIONAL DEFENSE

#### Chapter VI—Department of the Navy

##### Subchapter C—Personnel

##### PART 724—NAVY DISCHARGE REVIEW BOARD

###### REVISION OF PART

Part 724 is revised to read as follows:

##### Subpart A—General Provisions

Sec. 724.1 Authority.  
724.2 Jurisdiction.

##### Subpart B—Procedure

724.3 Request for review.  
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AUTHORITY: §§ 724.1 to 724.32 issued under sec. 301, 58 Stat. 286, as amended; 38 U. S. C. 693h.

## SUBPART A—GENERAL PROVISIONS

§ 724.1 *Authority.* The Secretary of the Navy is directed by section 301 of the Servicemen's Readjustment Act of 1944, as amended (38 U. S. C. 693h), to establish boards for the review of discharges and dismissals of former personnel of the Navy and Marine Corps. To carry out the duties imposed by this act, administrative regulations and procedures are formulated in this part.

§ 724.2 *Jurisdiction.* (a) In accordance with the Secretary of the Navy's precept, the Navy Discharge Review Board, in this part known as the Board, has been established within the Department of the Navy to review, upon its own motion, or upon request by or on behalf of the individual former officer or enlisted man or woman, or if deceased, by the surviving spouse, next of kin or legal representative concerned, or if incompetent, by the guardian, the type and nature or dismissal certificate or other documentary evidence of discharge or dismissal of former members of the naval service, except a discharge or dismissal by reason of the sentence of a general court-martial. This jurisdiction is construed to include every separation from the naval service, irrespective of the manner evidenced or brought about, except separations by reason of the sentence of a general court-martial.

(b) The scope of the review shall be to determine whether, under reasonable standards of naval law and discipline as defined in §§ 724.15 (e) (4) and 724.18, the type and nature of the discharge or dismissal should be changed, corrected or modified, and, if so, to decide what change, correction, or modification should be made.

(c) The Board has no authority to revoke any discharge or dismissal, to reinstate any person in the military service subsequent to discharge or dismissal, or to recall any person to active duty. Nor does the Board have any authority to waive discharges to permit enlistment in the naval service or any other of the Armed Forces; to cancel enlistment contracts; to change, correct or modify any document other than the discharge document; to change the reason for discharge from or to physical disability; or to determine eligibility for veterans' benefits.

(d) The Board may, in its discretion, record a recommendation for reenlistment as a part of its decision in any case of which it has legally taken jurisdiction. Any recommendation for reenlistment so made by the Board shall not bind the Chief of Naval Personnel or the Commandant of the Marine Corps in the exercise of their respective administra-

tive functions. Secretarial approval of a Board action will not constitute a Secretarial endorsement of the Board's recommendation for reenlistment unless expressly so stated, and it will under no circumstances be interpreted as a tacit directive that the petitioner in question be reenlisted.

(e) Section 301, Servicemen's Readjustment Act, provides for a review of the type and nature of a discharge or dismissal and further provides that the decision of the Board shall be final subject only to the review of the Secretary of the Navy. Accordingly, when the decision of the Board has been approved by the Secretary of the Navy the case has reached a finality and the Board has no authority to reopen the proceedings for further review, except that the Board may, in its discretion, when authorized by the Secretary of the Navy, reconsider and change the action originally taken upon the production of material, newly discovered evidence.

## SUBPART B—PROCEDURE

§ 724.3 *Request for review.* (a) The discharged person should submit a petition for a review to the Board, with the certificate of discharge or dismissal in question, if available, and such other statements or affidavits as he desires to present.

(b) When the request for review is submitted by a surviving spouse, next of kin, legal representative or guardian, satisfactory evidence of the required relationship must be submitted. If the discharged person is deceased or mentally incompetent, an affidavit containing a statement to that effect and a statement giving the identity of the authorized representative must accompany the petition. The petition must be signed by the authorized representative.

(c) The petition or request for review of discharge should be submitted on Form DD 293 (Application for review of discharge or separation from the Armed Forces of the United States) and signed by the discharged person unless that individual is deceased or mentally incompetent. (See paragraph (b) of this section.)

(d) No request for review of a discharge or dismissal shall be valid unless filed within 15 years after such discharge or dismissal or within 15 years after June 22, 1944, whichever be the later.

§ 724.4 *Review on own motion.* (a) The Board shall not conduct a review on its own motion without first transmitting a written notice to the person concerned or, if such person is deceased, to his surviving spouse, next of kin, legal representative or guardian, by registered mail, return receipt requested.

(b) Such notice shall state that a review of the type and nature of this discharge or dismissal is to be held by the Board, and shall advise the addressee of his right to appear before the Board, in person or by counsel, and to present evidence before the Board in the manner prescribed in this part.

§ 724.5 *Methods of presenting case.* The petitioner may present his case:

(a) By affidavit and/or other documents. (See § 724.15 (e) (3).)

(b) In person, with or without counsel.

(c) By counsel.

(d) Or by a combination of the above.

§ 724.6 *Counsel.* The term "counsel," as used in this part, shall include members of the bar in good standing and accredited representatives of veterans' organizations recognized by the Veterans' Administration under section 200 of the act of June 29, 1936 (38 U. S. C. 101).

§ 724.7 *Witnesses.* (a) The Board shall require that all testimony be given under oath or by affirmation.

(b) Witnesses shall be subject to examination and/or cross-examination, as appropriate, by the members of the Board, the petitioner, or his counsel.

(c) The testimony of witnesses may be presented either in person or by affidavits.

(d) The Board has no authority to subpoena witnesses.

§ 724.8 *Expenses.* No expenses of any nature whatsoever incurred by the petitioner, his counsel, his witnesses, or by any other person on his behalf, shall be paid by the government.

§ 724.9 *Notice of hearing.* When a personal appearance is desired, the Board shall give a petitioner at least 30 days' written notice of the time and the place of the hearing. Such time shall be computed from the time of mailing of the notice. The petitioner may waive such time limit in writing and earlier hearing date may be set by the Secretary of the Panel.

§ 724.10 *Continuances.* A continuance may be granted by the Board on its own motion, or at the request of the petitioner, or his counsel, when such continuance appears necessary in order to insure a full and fair hearing.

§ 724.11 *Failure of petitioner to appear.* A petitioner who requests a hearing and who, after being duly notified of the time and place of hearing, fails to appear at the appointed time, either in person or by counsel, and fails to make timely request for a continuance or for withdrawal of his petition, thereby waives his right to be present and cannot thereafter take exception to the findings or conclusions arrived at in his absence.

§ 724.12 *Evidence.* (a) The Board, in its review, shall consider as evidence all available records of the Department of the Navy together with such evidence as may be submitted by the petitioner and/or his counsel. Whenever, during a review, it appears to the Board's satisfaction that the facts have not been fully and fairly disclosed in the records of the Department of the Navy and in the testimony and other evidence before the Board, the Board may obtain such further evidence as it may consider essential to a fair and impartial understanding of the facts. Whenever it appears to the Board that professional or technical questions involved in a case under review are not adequately resolved in the records of the Department of the Navy, or whenever it appears that the advice of any bureau, office, or administrative of-

ficial in the Department of the Navy would be helpful in deciding the case, the indicated advice should be requested and obtained prior to final consideration and decision of the case by the Board. Such advisory material, if given orally, shall be transcribed and included in the record of proceedings. In requesting such advice, the Board may properly limit its inquiry to the specific points or questions upon which it desires advice. The Board is in no event bound by expressions of other administrative officials concerning the ultimate decision to be had on the merits of the case before it.

(b) The Board shall not be restricted by the rules of evidence appropriate to a trial in court. However, the chairman of the Board hearing a petitioner may, in his discretion, advise petitioner's counsel to limit his presentation to that evidence having a material and relevant bearing on the circumstances surrounding the discharge.

§ 724.13 *Records.* (a) Records of the Board shall be open to the Veterans' Administration.

(b) Upon application in person at the office of the Discharge Review Board, the Board may furnish to a petitioner or his counsel such information from the official records pertaining to a discharge or dismissal as may be necessary in order to permit of a fair and impartial review. However, classified matter of the Department of the Navy will not be disclosed or made available to the applicant or his counsel. When it is necessary in the interests of justice to acquaint the applicant with the substance of such matter, the Board will obtain and make available to the petitioner or his counsel such summary of the classified matter as may be in the judgment of the Board relevant to the case and as will not be incompatible with the public interest. Under no circumstances will derogatory information relative to any other individual be obtained for or made available to petitioner or his counsel. However, such information may be obtained for use by the Board if considered necessary for arriving at a proper decision in any case.

(c) The Board will not furnish copies of the Record of Review of Discharge or copies of official records in its custody except as the Secretary of the Navy may direct. The records of the Board in a particular case (except classified matter) are available for inspection by the petitioner or his duly authorized representative in the offices of the Board.

§ 724.14 *Withdrawal.* The Board may permit the petitioner to withdraw his request without prejudice at any time before the Secretary of the Navy acts on the record of review.

#### SUBPART C—ACTION BY THE BOARD

§ 724.15 *Deliberations.* (a) After a full and fair review of the evidence, the Board shall deliberate in closed session, and shall be governed in its action by the vote of a majority of the Board.

(b) No persons other than members of the Board shall be present at or participate in its deliberations.

(c) Members not concurring may file a minority report.

(d) The Record of Review of Discharge shall be signed by the concurring majority members.

(e) In its deliberations the Board shall be guided by the following principles:

(1) Relevant and material facts concerning the petitioner found by a general or special court-martial (general or summary court-martial under the Articles for the Government of the Navy), or by a court of inquiry or board of investigation where petitioner was in the status of a defendant or interested party, as approved by the reviewing authorities, shall be accepted by the Board as established facts in the absence of manifest error or unusual circumstances clearly justifying a different conclusion.

(2) Relevant and material facts stated in a specification to which the petitioner pleaded guilty before a general or special court-martial (general or summary court-martial under Articles for the Government of the Navy) or where upon being confronted by such a specification the petitioner elected to resign for the good of the service or to accept a discharge to escape trial by a general court-martial, shall be accepted by the Board as established facts in the absence of manifest error or unusual circumstances clearly justifying a different conclusion or unless the petitioner shall show to the Board's satisfaction, or it shall otherwise appear, that arbitrary or coercive action was taken against him at the time which was not apparent to the reviewing authority from the face of the record.

(3) A document evidencing separation from the naval service normally relates only to the naval service rendered during the term of service thereby terminated. Accordingly, the evidence before the Board which may be considered in connection with a particular discharge document will normally be restricted to that which is relevant and material to the petitioner's particular term of naval service or to his character, conduct, physical condition, or other material matter as revealed at the time of his entry into the particular term of naval service, during that term of naval service, or at the time of his separation therefrom. Where, in a particular case, the Secretary of the Navy has authorized reenlistment with a view to the redemption of a prior discharge through honorable completion of a subsequent term or terms of naval service, however, the Board may consider evidence similarly relating to the subsequent term or terms of naval service to which the redemption proposal pertains.

(4) In order to warrant a change, correction, or modification of the original document evidencing separation from the naval service, it is incumbent on the petitioner to show to the satisfaction of the Board, or it must otherwise satisfactorily appear, that the original document was improperly or inequitably issued under standards of naval law and discipline existing at the time of such original separation, or under such standards differing therefrom in the petitioner's favor which subsequent to his separation were made expressly retroactive to separations of the type and character had by the petitioner. The

standards of naval law and discipline herein contemplated are those standards stated in statutes, regulations, bureau manuals, directives of the Department of the Navy, and other appropriate authority, together with interpretations thereof by the courts, the Attorney General, and the Judge Advocate General of the Navy. Should the Board find in a particular case that a retroactive application of revised discharge standards or a specific waiver of an applicable administrative regulation would be required in order to permit a change, correction, or modification essential to the achievement of a just and equitable result, and should no authority for such retroactive application or specific waiver exist, the Board may set forth the circumstances, may incorporate in its decision a recommendation that the Secretary of the Navy authorize the retroactive application or the specific waiver in the particular case, and may formulate its decision premised on a grant of the necessary authority by the Secretary of the Navy. The Board may also change, correct, or modify a discharge document where, in the particular case, the Secretary of the Navy has authorized reenlistment with a view to the redemption of a prior discharge through honorable completion of a subsequent term or terms of naval service, and where it satisfactorily appears to the Board that the conditions of the redemption have been fulfilled.

(5) A recommendation for reenlistment may be recorded by the Board in an appropriate case, as authorized in § 724.2 (d), regardless of the nature of the Board's decision with respect to a change of discharge. In determining whether to record a recommendation for reenlistment, the Board shall consider, among other appropriate criteria the petitioner's maturity, the sincerity of his service motivation, his potential value to the naval service, and the degree of risk of unsatisfactory performance in a further term of naval service.

§ 724.16 *Findings of facts.* The Board shall make findings of facts in each case which shall include the following:

(a) Type and nature of discharge or dismissal certificate or other documentary evidence of discharge or dismissal which was issued to the person concerned upon separation from the naval service.

(b) Authority under which discharge or dismissal was issued.

(c) Circumstances surrounding the discharge or dismissal as found by the Board to be established from all the evidence considered. This includes material and relevant facts showing in what specific particulars the original discharge or dismissal certificate was or was not proper or equitable under standards of naval law and discipline applicable to the case as defined in § 724.15 (e) (4).

(d) Conduct and character of petitioner during the entire period of his naval service in the enlistment or other service period which was terminated by the discharge or dismissal under consideration.

(e) Such other facts as may be disclosed that are necessary and pertinent to the issue in any particular case.

§ 724.17 *Conclusions.* The Board, on the basis of its findings, shall prepare conclusions which shall state (a) whether or not any change, correction, or modification should be made in the type or character of the discharge or dismissal given; (b) where pertinent, the particular change, correction or modification that should be made; and (c) the reasons why a change, correction, or modification should or should not be made. This should not include comments on the actions of others in the naval service. Where such comment is warranted, it should be made the subject of an official communication entirely independent of petitioner's case.

§ 724.18 *Decision.* (a) The Board shall next record its decision. The nature of any change, correction, or modification to a certificate of discharge or dismissal shall be specified with particularity. The type and character of document evidencing discharge, dismissal, or other separation which may be adjudged shall be that form of separation certificate in use at the time of petitioner's separation from the naval service which the petitioner would have received had he been given a proper form of separation certificate at that time, or, if no longer available, the type of certificate that has since superseded it. A form of separation certificate which came into use subsequent to the petitioner's separation from the naval service may be adjudged where it has expressly been made retroactively applicable to separations occurring at the time of the petitioner's separation. Where a general retroactive application of a form of separation certificate has not previously been granted, and where the Board finds that such retroactive application is essential to the achievement of a just and equitable result in a particular case, the Board may proceed as set forth in § 724.15 (e) (4) in seeking authority for such retroactive application.

(b) The General Discharge may be assigned when warranted without regard to date of separation.

(c) The Board may include in its decision a recommendation for reenlistment as authorized in § 724.2 (d).

(d) The decision of the Board shall not be disclosed to petitioner, his counsel, or to anyone not required to know the decision, until the record of review has been acted upon by the Secretary of the Navy.

§ 724.19 *Order.* A written order based on the decision shall be prepared for transmittal to the Chief of Naval Personnel or the Commandant of the Marine Corps, as appropriate, and signed by the President of the Panel.

§ 724.20 *Record of proceedings.* (a) When the Board has concluded its proceedings, the Secretary of the Panel shall prepare a complete original record thereof. Such record shall include the request for review; a transcript of the hearing, if any; affidavits, papers, and

documents considered by the Board exclusive of official Department of the Navy records; all briefs and written arguments filed in the case; the Record of Review of Discharge and order of the Board; any minority report prepared by dissenting members of the Board, and all other papers and documents necessary to reflect a true and complete history of the proceedings.

(b) The record of proceedings of the Board and the action transmitting the record to the Secretary of the Navy for review shall not contain recommendations of any character which relate to matters beyond the scope of the Board's authority. To the extent that such recommendations are warranted, they should be made a matter for separate communication with the departmental agency having cognizance of the subject matter but should not be associated with the records of the petitioner before the Board.

#### SUBPART D—REVIEW BY THE SECRETARY OF THE NAVY

§ 724.21 *Transmittal of record.* The original Record of Review of Discharge in each case shall be transmitted forthwith by the President of the Navy Discharge Review Board to the Secretary of the Navy for final review.

§ 724.22 *Action by the Secretary of the Navy.* (a) The Secretary of the Navy will direct such action in each case as he determines to be appropriate, including the return of the record to the Board for further consideration when deemed necessary.

(b) The procedure of the Board on such further consideration will conform as nearly as practicable to that heretofore prescribed, except that the scope of the action of the Board will be limited to the matters specified by the Secretary of the Navy in the directive ordering such reconsideration.

(c) The Secretary of the Navy, after his final action, will return the record to the Discharge Review Board. The Board will notify the petitioner of the action taken in his case, then forward the Record of Review and order to the Chief of Naval Personnel or Commandant of the Marine Corps, as appropriate, for the following administrative acts:

(1) Carry out the order of the Discharge Review Board in respect to the discharge or dismissal in question.

(2) Place the Board's order and the Record of Review in the service record.

#### SUBPART E—THE PANEL

§ 724.23 *Members.* (a) The panel shall consist of all members of the several boards of review and of all officers detailed to the Office of the Discharge Review Board.

(b) Members of the Panel shall report to and be responsible to the President of the Panel.

(c) No new member may act officially with respect to any case before the Board until his name has been added to the list of members named in the most recently issued precept signed by the Secretary of the Navy or his authorized representative.

§ 724.24 *Changes in membership.* Additions to and other changes in the membership of the Panel shall be made as circumstances warrant, with the approval of the Secretary of the Navy.

§ 724.25 *Meetings.* Meetings of the Panel may be called by the President of the Panel. The Panel will meet in Washington at such times and places as designated by the President.

§ 724.26 *Administrative regulations.* The Panel shall, from time to time, initiate such changes in the administrative regulations and procedures as may be deemed advisable, for the approval of the Secretary of the Navy.

§ 724.27 *Duties of Panel officers.* (a) President: (1) The President of the Panel shall, from time to time, constitute boards charged with the review functions over discharges and dismissals of Navy and Marine Corps personnel, as required by section 301 of the Servicemen's Readjustment Act of 1944.

(2) He shall designate a Secretary of the Panel and the recorders of the several boards.

(3) He shall make provisions for close liaison with the Army and Air Force Discharge Review Boards and for such exchange of information as may be considered mutually beneficial.

(4) He shall maintain close contact with the Veterans' Administration.

(5) He shall report to and be responsible to the Secretary of the Navy.

(6) He shall prepare an annual report of the activities of the Panel and of the boards for submission to the Secretary of the Navy.

(7) In the absence or incapacity of the President, the next senior member of the Panel will serve as acting President for all purposes.

(b) Secretary: (1) The Secretary shall examine requests for review and, when necessary, obtain from the petitioner, or from the records of the interested bureau or service, such additional data as may be required to furnish complete information to the Board.

(2) He shall keep the records of the Panel.

(3) He shall keep a docket of pending petitions, and a record of completed reviews.

(4) He shall assign petitions to the appropriate board for review.

(5) He shall maintain custody of all records and documents transmitted to or filed with the Board.

(6) He shall perform such other duties as may be prescribed by the President of the Panel.

#### SUBPART F—THE BOARD

§ 724.28 *Members.* A board shall consist of 5 members, and at least 3 of the 5 members of each board should belong to the branch of the naval service (Navy or Marine Corps) from which the person whose case is being reviewed was discharged or dismissed, unless petitioner specifically waives this requirement in writing.

§ 724.29 *Reporter.* The reporter shall record the proceedings of the Board in all hearings and such other discharge

reviews as the Board Chairman may desire.

§ 724.30 *Time and place of meeting.* The boards shall be convened at the call of the President of the Panel and shall recess and adjourn at his order. The boards shall sit at a time and place to be fixed by the President of the Panel.

§ 724.31 *Duties.* (a) Board: (1) The Board shall review, on its own motion or upon the request of a former officer or enlisted man or woman or, if deceased, by the surviving spouse, next of kin, legal representative or guardian, the type and nature of the discharge or dismissal in question.

(2) In the event the petitioner does not appear in person or by counsel, the Board shall review the case on the basis of the official records and documentary or oral evidence presented by or on behalf of the petitioner.

(3) In the event the petitioner appears in person or by counsel, the Board shall assemble to hear evidence offered by or on behalf of the petitioner and to consider the official records. After the conclusion of such hearings, the Board shall, as soon as practicable, arrive at its findings, conclusions, and decision. Based thereon, the Board shall prepare its Record of Review of Discharge.

(b) Senior member: The senior member of a board shall serve as chairman thereof and shall rule upon matters of evidence and procedure. He may be overruled by a majority vote.

(c) Recorder: (1) The recorder of the Board shall carefully summarize and present the official record of the discharged person.

(2) The recorder shall maintain close liaison with petitioner's counsel in each case, making available, in the offices of the Board, such official records pertaining to petitioner as counsel may require in the proper preparation of petitioner's case, except—

(i) Classified matter and original files of the Office of Naval Intelligence. (See § 724.13 (b).)

(ii) Service records of other personnel, whether on active duty or discharged. (See § 724.13 (b).)

(3) When the petitioner is without counsel, the recorder shall—

(i) Submit pertinent evidence in the petitioner's behalf, in proper documentary form or orally.

(ii) Submit to the Board, when considered warranted, a written brief analyzing the evidence presented.

(4) The recorder shall prepare the Record of Review of Discharge of the Board.

(5) The recorder shall perform such other duties as may be assigned to him by the President of the Panel.

#### SUBPART G—CORRESPONDENCE

§ 724.32 *Addressing of requests.* (a) A request for review of a discharge or dismissal with the view of having it changed, corrected, or modified should be addressed to:

Navy Discharge Review Board,  
Department of the Navy,  
Washington 25, D. C.

(b) A request for other purposes, such as permission to reenlist or extracts of records, should be addressed to the appropriate address indicated below, depending on whether the person in question was formerly in the United States Navy or United States Marine Corps:

Chief of Naval Personnel,  
Department of the Navy,  
Washington 25, D. C.

or  
Commandant of the Marine Corps,  
Department of the Navy,  
Washington 25, D. C.

By direction of the Secretary of the Navy.

[SEAL] CHESTER WARD,  
Rear Admiral, U. S. Navy,  
Judge Advocate General of the Navy.

MAY 8, 1957.

[F. R. Doc. 57-3999; Filed, May 15, 1957;  
8:48 a. m.]

## TITLE 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

#### Subchapter G—Marine Regattas or Marine Parades

[CGFR 57-22]

#### PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS DURING MARINE REGATTAS OR MARINE PARADES

##### TEMPORARY LOCAL REGULATIONS FOR HAMPTON ROADS, VA.; INTERNATIONAL FLEET REVIEW

The International Fleet Review will be held in Hampton Roads, Virginia, and in the approaches thereto on June 12, 1957. Many units of the United States Fleet, together with men-of-war of selected nations, are expected to take an active part, either as participating craft or as reviewing craft. The Commander-in-Chief, Atlantic Fleet, United States Navy, Norfolk, Virginia, is the sponsor for this Review and is in charge of all arrangements pertaining to it.

The International Fleet Review will be a static review with all craft except those in the underway reviewing group being at anchor. The Naval vessels participating as stationary reviewing craft will be at anchor in a special Review Area in Hampton Roads in the vicinity of Old Point Comfort, Virginia, and along both sides of Thimble Shoal Channel from the east end of the Channel to Old Point Comfort. The underway reviewing group of vessels will pass in review from one end of the Fleet Review Area to the other following the Channel. Within the Fleet Review Area the underway reviewing vessels shall be accorded the right of way.

Spectator craft will be permitted to view the International Fleet Review from special anchorage areas located 1,000 yards around the perimeter of the Fleet Review Area between Old Point Comfort, Virginia, and the east end of Thimble Shoal Channel. Movement of spectator craft to and from the spectator anchor-

age areas will be under the control of patrol craft, while movement within such spectator anchorage areas will be prohibited during the International Fleet Review unless specifically authorized by a patrol officer.

The operation and movement of commercial shipping and all other craft operating in Hampton Roads and approaches thereto will be restricted or prohibited immediately prior to, during, and immediately after the International Fleet Review is held. It is necessary to close Thimble Shoal Channel for approximately ten hours. Shipping in and out of Hampton Roads and in the approaches thereto will be halted or restricted for approximately ten hours.

The special regulations in 33 CFR 100.50 are intended to promote safety of life and property on navigable waters immediately prior to, during, and immediately after this International Fleet Review is held. The Commander, 5th Coast Guard District, shall be in charge of the enforcement of these regulations and the patrol which will supervise the movements of all commercial vessels and other craft in Hampton Roads and in the approaches thereto immediately prior to, during, and immediately after this International Fleet Review.

In the event of inclement weather the International Fleet Review will be postponed from June 12, 1957, to June 13, 1957, or to such subsequent date as may be established by the Commander-in-Chief, Atlantic Fleet.

It is hereby found that compliance with the Administrative Procedure Act respecting notice of proposed rule making, public rule making procedure thereof, and effective date requirements thereof, is impracticable and contrary to the public interest in that the time intervening between the date when information on which this order is based became available and when this order must become effective is insufficient for such compliance.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Order No. 120, dated July 31, 1950 (15 F. R. 6521), and Treasury Department Order No. 167-3, dated May 6, 1953 (18 F. R. 2961, 2962), to promulgate rules and regulations in accordance with the act of April 28, 1908, as amended (46 U. S. C. 454-457), the following new regulation designated § 100.50 is added to Part 100 and shall be in effect on June 12, 1957, or the date on which the International Fleet Review is held:

§ 100.50 *Temporary local regulations for Hampton Roads, Virginia, and approaches thereto; International Fleet Review—(a) General.* (1) The International Fleet Review will be held in Hampton Roads, Virginia, and the approaches thereto on June 12, 1957. Should inclement weather preclude conducting the International Fleet Review as scheduled, the Review will be postponed to June 13, 1957, or such date as may be established by the Commander-in-Chief, Atlantic Fleet, United States Navy. If postponed to a date later than June 13, 1957, the Commander, 5th

Coast Guard District, shall announce through a local notice to mariners the date when this International Fleet Review will be held.

(2) The regulations in this section shall apply and be effective immediately prior to, during, and immediately after the time the International Fleet Review is held. The times expressed in this section are Eastern Standard Time (plus 5 Zone Time).

(3) The U. S. Coast and Geodetic Survey Chart No. 400 shows Hampton Roads, Virginia, and Chart No. 481 shows Cape Henry to Thimble Shoal Light.

(4) The regulations in this section supplement the other regulations in this part. In addition, these regulations implement responsibility of the Coast Guard with respect to the safety and security of Naval vessels as set forth in section 91 of Title 14, U. S. Code.

(5) As sponsor for the International Fleet Review, the Commander-in-Chief, Atlantic Fleet, United States Navy, is in charge and will be responsible for and shall supervise all Naval craft participating in this Review. The Commander, 5th Coast Guard District, Norfolk, Virginia, shall supervise the patrol and shall have enforced the regulations in this part intended to insure the safety of life and property on the navigable waters in Hampton Roads and in the approaches thereto immediately prior, during, and immediately after the International Fleet Review is held.

(b) *Fleet Review Area.* The Fleet Review Area is defined as follows:

Commencing at Elizabeth River Channel Lighted Bell Buoy 8, thence along a line 284 degrees true to Newport News Middle-ground Anchorage Buoy "H", thence 333 degrees true to Fishnet Stake Buoy "S22N", thence 052 degrees true to Hampton Bar Buoy 14, thence 075 degrees true to a point 250 yards south of Old Point Comfort Light, thence 060 degrees true to Fishnet Stake Buoy "S40N", thence 091 degrees true to Thimble Shoal Light, thence 104 degrees true to Tail of the Horseshoe Shoal Lighted Bell Buoy "2T", thence 199 degrees true to a point one (1) mile south of Thimble Shoal Channel Lighted Bell Buoy "13A", thence 270 degrees true to Fort Wool Light, thence following the channel buoys off Sewells Point Spit to starting point.

(c) *Special local regulations applicable to commercial shipping.* (1) During the period from 8 a. m. until 6 p. m. on June 12, 1957, inbound vessels shall remain east of the Fleet Review Area.

(2) During the period from 11 a. m. until 7 p. m. on June 12, 1957, outbound vessels are prohibited from entering the Fleet Review Area.

(3) The Quarantine Anchorage, designated Anchorage "A" on Coast and Geodetic Chart No. 400, will be temporarily shifted to that section of Anchorage "D" south of the Newport News Ferry Channel as a primary anchorage and Anchorage "G" as secondary anchorage.

(4) There will be no restrictions in the operations of the Kiptopeke Beach-Little Creek Ferry, the Pennsylvania

Railroad Ferry between Little Creek and Cape Charles, and the Virginia State Highway Ferry between Willoughby and Old Point Comfort except when the reviewing vessels are approaching or crossing ferry lanes. Ferries shall stop well behind anchored vessels until reviewing ferry lanes. Ferries shall stop well viewing ships shall be accorded the right of way. Ferries shall not proceed across the Fleet Review Area when patrol craft are flying international flag KILO and shall not proceed until said flag is lowered.

(d) *Special local regulations applicable to all vessels.* (1) Except as otherwise provided for in paragraph (c) of this section for commercial shipping, all vessels not classified as participating craft or patrol vessels, as defined in paragraph (e) of this section, shall remain outside the Fleet Review Area from 12 noon to 7 p. m. on June 12, 1957.

(2) An anchorage area is established, except where otherwise restricted by this regulation or by other requirements, for spectator craft in the area 1,000 yards around the perimeter of the Fleet Review Area described in paragraph (b) of this section. Movement of vessels within the spectator anchorage area is prohibited during the period of 1 p. m. to 5 p. m. on June 12, 1957, unless specific prior authority is granted by a patrol officer.

(3) A succession of not less than five short whistle blasts from a patrol vessel shall serve as a signal for any vessel to stop immediately. The operator of such vessel shall thereafter follow instructions as may be given by the Officer-in-Charge of the patrol vessel.

(e) *Definitions.* (1) The term "participating craft" means those vessels which have been so designated by the Commander-in-Chief, Atlantic Fleet, U. S. Navy.

(2) The term "patrol vessel" means any vessel of the U. S. Coast Guard, U. S. Navy, or Coast Guard Auxiliary designated by the Commander, 5th Coast Guard District, as a vessel to patrol the International Fleet Review, and shall display the Coast Guard ensign while engaged in this duty.

(3) The term "patrol officer" means any Coast Guard officer or petty officer designated as such by the Commander, 5th Coast Guard District.

(f) *Penalties for violation.* Section 4 of the act of April 24, 1908, as amended (46 U. S. C. 457), provides the following penalties for violations of the regulations in this section:

(a) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(b) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of \$500.

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of \$500, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of \$250.

(Sec. 1, 35 Stat. 69, as amended; 46 U. S. C. 454)

Dated: May 14, 1957.

[SEAL] J. A. HIRSHFIELD,  
Rear Admiral, U. S. Coast Guard,  
Acting Commandant.

[F. R. Doc. 57-4039; Filed, May 15, 1957;  
9:14 a. m.]

## TITLE 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

### Chapter I—Veterans Administration

#### PART 4—DEPENDENTS AND BENEFICIARIES CLAIMS

##### APPORTIONMENT

In § 4.448 paragraphs (a), (c) (1) and the introductory portion of (3) preceding (i) are amended, and (c) (4) is added to read as follows:

§ 4.448 *Apportionment*—(a) *Conditions under which apportionment may be made.* Dependency and indemnity compensation will be apportioned where there is a widow and a child or children under 18 years of age and the child or children are not in the actual or constructive custody of the widow. Except where death occurred prior to January 1, 1957, dependency and indemnity compensation will not be apportioned for a child or children over the age of 18 years. No apportionment will be made for any child solely by reason of the child's entrance into the active military or naval service of the United States; or where the child or children are separated from the widow, due to her incompetency, and a fiduciary has been appointed for the widow, who is providing properly for the children from the widow's estate or income voluntarily or pursuant to a decree of a court of competent jurisdiction.

(c) *Rates payable.* (1) Except as provided in subparagraphs (2), (3), and (4) of this paragraph, the total amount payable under § 4.447 will be apportioned as follows: The share for each of the children under 18 years of age, including those in the widow's custody as well as those who are not in her custody, will be \$35 per month. The share for the widow will be the difference between the children's shares and the total amount payable under § 4.447. In the application of this rule, however, the widow's share will not be reduced to an amount less than 50 percent of that to which she would otherwise be entitled, or less than \$65, whichever is greater. The balance will be the children's share. In all cases the share determined for the children will be equally divided among them and the shares of any child or children in the widow's custody will be added to the widow's share.

(3) Where the death occurred prior to January 1, 1957, and the widow has elected to receive dependency and indemnity compensation, the share of dependency and indemnity compensation for a

child or children under 18 years of age will be whichever is the greater.

(4) Where the death occurred prior to January 1, 1957, and the widow has elected to receive dependency and indemnity compensation and there is a child or children over the age of 18 years, the amount of dependency and indemnity compensation payable to or for such child under § 4.449 (b) shall be included in determining the total dependency and indemnity compensation payable. The share of dependency and indemnity compensation for such child will be whichever is the greater:

(i) The rate of dependency and indemnity compensation under § 4.449 (b), or

(ii) The share which would have been payable as death compensation subject to the limitation that the total payable in the case shall not exceed the total dependency and indemnity compensation which is authorized under §§ 4.447 and 4.449 (b).

(Sec. 5, 43 Stat. 608, as amended, sec. 2, 46 Stat. 1016, sec. 7, 48 Stat. 9; 38 U. S. C. 11a, 426, 707. Interpret or apply sec. 209, Pub. Law 881, 84th Cong.)

This regulation is effective May 16, 1957.

[SEAL] JOHN S. PATTERSON,  
Deputy Administrator.

[F. R. Doc. 57-4016, Filed, May 15, 1957;  
8:50 a. m.]

## TITLE 47—TELECOMMUNICATION

### Chapter I—Federal Communications Commission

[Rules Amdt. 8-23]

#### PART 8—STATIONS ON SHIPBOARD IN THE MARITIME SERVICE

##### GENERAL EXEMPTION ORDERS ISSUED EXEMPTING SHIPS FROM COMPULSORY RADIO PROVISIONS

The Commission having under consideration the desirability of making certain editorial changes in Part 8 of its rules and regulations; and

It appearing, that the amendments adopted herein are editorial in nature for the purpose of including in Part 8 of the Commission's rules a listing of the general exemptions issued by the Commission which are currently in force, and, therefore, compliance with the public notice and rule making procedures prescribed by section 4 (a) and (b) of the Administrative Procedure Act is unnecessary, and for the same reason, compliance with the effective date provisions of section 4 (c) of the Administrative Procedure Act is not required; and

It further appearing, that the amendments adopted herein are issued pursuant to authority contained in sections 4 (i), 5 (d) (1) and 303 (r) of the Communications Act of 1934, as amended, and section 0.341 (a) of the Commission's Statement of Organization, Delegations of Authority and Other Information;

No. 95—2

*It is ordered*, This 9th day of May 1957, that effective May 14, 1957, Part 8 of the Commission's rules is revised as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U. S. C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; sec. 5, 66 Stat. 713; 47 U. S. C. 303, 155)

Released: May 13, 1957.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

1. Delete the text of § 8.803 and insert the following in lieu thereof:

§ 8.803 Appendix III—General exemption orders issued exempting ships from compulsory radio provisions.

(a) Order, May 8, 1957, granting exemption, pursuant to section 352 (b) (3) of the

Communications Act of 1934, as amended, to all United States passenger vessels of less than 100 gross tons, not subject to the radio provisions of the Safety Convention, from the radiotelegraph provisions of Title III, Part II of the Communications Act of 1934, as amended: *Provided*, That the vessels are equipped with a radiotelephone installation fully complying with the provisions of Part III of Title III of the Communications Act of 1934, as amended, and the Commission's rules and regulations made pursuant thereto including the requirements with respect to certificates, operators, and listening watches: *And provided further*, That during the course of the voyages the vessels will not be navigated more than 50 nautical miles from the nearest land.

(b) These exemptions may be terminated at any time without hearing if, in the Commission's discretion, the need for such action arises.

[F. R. Doc. 57-4017, Filed, May 15, 1957;  
8:50 a. m.]

## NOTICES

### FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 11704; FCC 57M-452]

MT. STERLING BROADCASTING Co.

#### ORDER SCHEDULING PREHEARING CONFERENCE

In re application of Mt. Sterling Broadcasting Company, Mt. Sterling, Kentucky, Docket No. 11704, File No. BP-10301; for construction permit.

The Hearing Examiner having under consideration the above-entitled proceeding;

*It is ordered*, This 10th day of May 1957, that all parties, or their attorneys, are directed to appear for a pre-hearing conference, pursuant to the provisions of § 1.813 of the Commission's rules, at the Commission's offices in Washington, D. C., at 10:00 a. m., May 22, 1957.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 57-4019, Filed, May 15, 1957;  
8:50 a. m.]

[Docket No. 11901; FCC 57M-450]

GILLESPIE BROADCASTING Co. (KNAF)

#### ORDER CONTINUING HEARING

In re application of Gillespie Broadcasting Company (KNAF), Fredericksburg, Texas, Docket No. 11901, File No. BP-10598; for construction permit.

At the oral request of counsel for the applicant and with the concurrence of all other participants in the proceeding: *It is ordered*, This 10th day of May 1957 that the hearing scheduled to be held May 10, 1957 is continued to 9:30 a. m., May 16, 1957.

#### FEDERAL COMMUNICATIONS COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 57-4020, Filed, May 15, 1957;  
8:51 a. m.]

[Docket Nos. 11925, 11926; FCC 57-462]

NORTHWEST BROADCASTERS, INC., AND REV. HALDANE JAMES DUFF

#### ORDER AMENDING ISSUES

In re applications of Northwest Broadcasters, Inc., Bellevue, Washington, Docket No. 11925, File No. BP-10521; Rev. Haldane James Duff, Seattle, Washington, Docket No. 11926, File No. BP-10638; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 8th day of May 1957;

The Commission having under consideration (1) a petition to modify and clarify the issues, filed by Northwest Broadcasters, Inc. on February 20, 1957; (2) comment on and partial opposition to the petition to modify and clarify the issues, filed by the Broadcast Bureau on February 28, 1957; (3) an opposition to the petition to modify and clarify the issues, filed by Rev. Haldane James Duff on March 1, 1957; and (4) a reply to the oppositions, filed by Northwest on March 8, 1957;

It appearing, that Duff, to show his financial qualifications, relies in part upon a loan of \$60,000 from a Maurice L. Ramme whose financial responsibility is shown by his stock ownership in the Monte-Copter Corporation but that serious doubt has been raised that Ramme's stock is worth the evaluation that Duff placed upon it;

It further appearing, that other substantial questions as to the financial qualifications of Duff have been raised by Northwest and not all have been satisfactorily explained;

It further appearing, that no reasonable showing has been made which would justify the inclusion of an issue relating to misrepresentation in connection with Duff's financial proposal;

It further appearing, that any showing Duff may make under Issue 2 will relate only to the desirability of waiving compliance with § 3.28 (c) of the rules and not to Duff's comparative qualifications

which are not in issue and that, therefore, no need exists for allowing Northwest to make a corresponding showing;

*It is ordered*, That the petition to modify and clarify the issues in this proceeding is granted insofar as the issues in this proceeding are enlarged so as to include the following:

4. To determine the financial qualifications of the applicant, Reverend Haldane James Duff, to construct and operate the station as proposed;

*It is further ordered*, That existing Issue 4 be redesignated Issue 5, that the burden of proof and the burden of proceeding with the introduction of evidence under the added issue is placed upon the applicant Duff, and that the subject petition is denied in all other respects.

Released: May 9, 1957.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 57-4021; Filed, May 15, 1957;  
8:51 a. m.]

[Docket Nos. 12012, 12014; FCC 57-466]

KMPS BROADCASTING CO. AND TRI-CITIES  
BROADCASTING CO.

ORDER DESIGNATING APPLICATIONS FOR CON-  
SOLIDATED HEARING ON STATED ISSUES

In re applications of J. Conrad Dunagan, K. E. Burrows and D. W. Bozeman, Jr., d/b/a KMPS Broadcasting Company, Monahans, Texas, Docket No. 12012, File No. BPCT-2213; J. Ross Rucker, J. B. Walton and Mrs. Helen Winborne Walton d/b/a Tri-Cities Broadcasting Company, Monahans, Texas, Docket No. 12014, File No. BPCT-2231; for construction permits for new television broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 8th day of May 1957:

The Commission having under consideration the above-captioned applications, each requesting a construction permit for a new television broadcast station to operate on Channel 9 in Monahans, Texas; and

It appearing that the above-captioned applications are mutually exclusive, in that operation by more than one of the applicants would result in mutually destructive interference; and

It further appearing, that pursuant to section 309 (b) of The Communications Act of 1934, as amended, the above-named applicants were advised by letters of the fact that their applications were mutually exclusive, of the necessity for a hearing and of all objections to their applications, and were given an opportunity to reply; and

It further appearing, that upon due consideration of the above-captioned applications and the replies to the above-mentioned letters, the Commission finds that each of the applicants is legally, financially, technically, and otherwise qualified to construct, own and operate a television broadcast station;

*It is ordered*, That pursuant to section 309 (b) of the Communications Act of 1934, as amended, the above-captioned applications of J. Conrad Dunagan, K. E. Burrows and D. W. Bozeman, Jr., d/b/a KMPS Broadcasting Company and J. Ross Rucker, J. B. Walton and Mrs. Helen Winborne Walton d/b/a Tri-Cities Broadcasting Company, are designated for hearing in a consolidated proceeding at a time and place to be specified in a subsequent order, to determine on a comparative basis which of the operations proposed in the above-captioned applications would better serve the public interest, convenience and necessity in the light of the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on its ability to own and operate the proposed television broadcast station.

(b) The proposals of each with respect to the management and operation of the proposed television broadcast station.

(c) The programming service proposed in each of the above-captioned applications.

*It is further ordered*, That the issue in the above-captioned proceeding may be enlarged by the Examiner on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

*It is further ordered*, That to avail themselves of the opportunity to be heard, J. Conrad Dunagan, K. E. Burrows and D. W. Bozeman, Jr., d/b/a KMPS Broadcasting Company and J. Ross Rucker, J. B. Walton and Mrs. Helen Winborne Walton d/b/a Tri-Cities Broadcasting Company, pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 10, 1957.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 57-4022; Filed, May 15, 1957;  
8:51 a. m.]

[Docket No. 12015; FCC 57-467]

WPFH BROADCASTING CO. (WPFH)

MEMORANDUM OPINION AND ORDER DESIGNATING APPLICATION FOR HEARING ON STATED ISSUES

In re application of WPFH Broadcasting Company (WPFH), Wilmington, Delaware, Docket No. 12015, File No. BPCT-2083; for construction permit.

1. The Commission has before it a "Protest" filed on April 12, 1957, pursuant to section 309(c) of the Communications Act, of 1934, as amended, by Pennsylvania Broadcasting Company, the licensee of Radio Stations WIP (AM) and WIP (FM), Philadelphia, Pennsylvania, and directed against the Commission's action of March 13, 1957, granting without hearing the above-captioned application of WPFH Broadcasting Company for permission to change its transmitter and antenna location from a point approximately 5 miles east-northeast of Wilmington to a point in New Jersey approximately 26 miles east of the center of Wilmington and 20 miles south of Philadelphia, and to increase the antenna height above average terrain from 620 to 900 feet; and an "Opposition" thereto filed on April 22, 1957, by WPFH.<sup>1</sup>

2. The protestant (WIP) claims that as an existing radio station located in the city where the permittee (WPFH) proposes to operate with increased signal intensity, it will suffer economic injury as a result of the grant in question, because of the alleged improved competitive status of WPFH and is, therefore, a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended, to have standing to file the instant protest.

3. In support of its protest WIP alleges, in substance, that the instant grant is not in the public interest since its effect will be to deprive the city of Wilmington of its only local television service and to convert WPFH into a fourth Philadelphia station; that the WPFH application is in direct conflict with a commitment which the owner of WPFH made prior to receiving permission to purchase the station and that this commitment was relied upon by the Commission in authorizing the purchase; that the circumstances surrounding the commitment made by the WPFH owner are such as to indicate that he misrepresented his intention with respect to retaining WPFH's transmitter at its present location; and, finally, that WPFH has not demonstrated its financial ability to construct the facilities proposed in its application.

4. In view of the foregoing, the protestant requires that the Commission designate the instant application for an evidentiary hearing upon seven specified issues; make the protestant a party to said proceeding; place the burden of proceeding with the introduction of evidence and the burden of proof upon WPFH; and, pending final decision in this matter after hearing, stay the effective date of the grant in question. In support of this latter request, the protestant contends that the grant is not necessary to the maintenance and conduct of an existing service and that there

<sup>1</sup>On April 29, 1957, the protestant filed a "Reply" which is essentially a restatement of the arguments advanced in its protest. On May 7, 1957, WPFH filed a "Motion to Strike" certain matters contained in the "Reply." To the extent that the protestant in its "Reply" alleges new or additional facts, the 30 day limitation of section 309 (c) bars our consideration of such facts.

are no compelling public interest considerations which would require that the grant remain in effect.

5. In its Opposition, WPFH asserts that the protestant has failed to show that it is a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended, and, therefore, has no standing to protest. WPFH asserts, furthermore, that the basic contentions advanced by the protestant are frivolous, insubstantial and totally devoid of merit. In support thereof, WPFH argues that the protestant has failed to show that the grant in question has resulted or will result in new economic injury; that protestant's supposition that the grant in question will, in effect, convert WPFH into a fourth Philadelphia television station and thus deprive Wilmington of its only local service, is not warranted in view of WPFH's plans to establish a main studio in Wilmington; that the instant grant is not a departure from the commitment made to the Commission prior to the purchase of the station, since Wilmington will still receive a principal city signal, the main studio will be located within Wilmington; and that since the commitment contemplated optimum service to the area which could be achieved only by an increase in the antenna height of WPFH, an impossibility at the present site, no question of misrepresentation is involved. WPFH also contends that the protestant's allegations with respect to WPFH's financial qualifications are clearly erroneous, inasmuch as the consolidated balance sheet as of June 30, 1956, submitted with the application, showed assets exceeding total liabilities by more than three and one-half million dollars. Accordingly, WPFH requests that the protest be dismissed or, in the alternative, set for oral argument to determine whether the facts alleged, even if proven would constitute grounds for setting aside the grant in question. WPFH further requests that the effective date of the instant grant remain in effect pending disposition of the protest.

6. In view of the fact that the protestant is the licensee of Radio Stations WIP (AM) and WIP (FM) in Philadelphia, Pennsylvania, and has alleged that as a result of the grant of the above-captioned application it will face increased competition for local, regional, and national advertising in the Philadelphia area and will suffer economic injury, we find the protestant to be a "party in interest" within the meaning of section 309 (c) of the Communications Act of 1934, as amended. Federal Communications Commission v. Sanders Brothers Radio Station, 309 U. S. 470; In re T. E. Allen & Sons, Inc., 9 Pike & Fischer RR 197; Versluis Radio and Television, Inc., 9 Pike & Fischer RR 102. We further find that the protestant has specified with sufficient particularity the facts relied upon to warrant designating the instant application for hearing. Accordingly, the Commission is designating the application for an evidentiary hearing on the issues framed by the protestant. However, the issues are not being adopted and the burden of proof with respect to each of these issues ex-

cept issues (3) and (6) below will, therefore, be upon the protestant. The burden of proof as to issues (3) and (6) will be upon the applicant, because they relate to matters which are peculiarly within the applicant's knowledge.

7. As to the question of whether the Commission should stay the effective date of its grant to WPFH, section 309 (c) of the Communications Act of 1934, as amended, provides, in pertinent part, that " \* \* \* the effective date of the Commission's action to which protest is made shall be postponed to the effective date of the Commission's decision after hearing, unless the authorization involved is necessary to the maintenance or conduct of an existing service, or unless the Commission affirmatively finds for reasons set forth in the decision that the public interest requires that the grant remain in effect \* \* \*". The Commission is of the opinion that since the authorization in question is not necessary to the maintenance or conduct of an existing facility and no compelling public interest reasons have been advanced which require that the grant complained of remain in effect, the effective date of the grant to WPFH should be postponed to the effective date of the Commission's decision in the proceeding hereinafter ordered.

8. In view of the foregoing: *It is ordered*, That, effective immediately, the effective date of the grant of the above-captioned application is postponed pending final determination by the Commission in the hearing described below; and that, pursuant to section 309 (c) of the Communications Act of 1934, as amended, the above-captioned application of WPFH Broadcasting Company is designated for evidentiary hearing in Washington, D. C. on the following issues:

(1) To determine whether the purpose of the application is to convert WPFH into a fourth Philadelphia station at the expense of Wilmington and the State of Delaware.

(2) To determine whether a grant of the application would be consistent with section 307 (b) of the Communications Act, § 3.606 of the Commission's rules, and the policy and objectives of the Sixth Report and Order.

(3) To determine the nature of the studio facilities which WPFH has established in Philadelphia and which it contemplates establishing in Wilmington, and the nature of the past programming and programming plans with respect to such studios.

(4) To determine whether a valid public interest reason exists, in view of the past representation of WPFH with reference to the maintenance of its existing transmitter site, for releasing WPFH from its sworn pledge to the Commission to retain its existing transmitter site.

(5) To determine whether WPFH was guilty of misrepresentation in stating to the Commission that it intended to continue at its existing transmitter site.

(6) To determine the costs of the construction contemplated by the amended application, including the new transmitter and studio facilities, and whether

WPFH is financially qualified to construct the same.

(7) To determine in the light of the above issues whether a grant of the WPFH application would serve the public interest, convenience and necessity.

*It is further ordered*, That the burden of proceeding with the introduction of evidence and the burden of proof as to each of the foregoing issues except issues (3) and (6) shall be upon the protestant; and that the burden of proof as to issues (3) and (6) shall be upon the applicant (WPFH).

*It is further ordered*, That the protestant, Pennsylvania Broadcasting Company, and the Chief of the Broadcast Bureau are hereby made parties to the proceeding designated herein and that:

(a) The hearing on the above issues shall commence at a time and place and before an Examiner to be specified in a subsequent order; and

(b) The parties to the proceeding herein designated shall have fifteen (15) days after the issuance of the Examiner's decision to file exceptions thereto and seven (7) days thereafter to file replies to any such exceptions; and

(c) The appearances by the parties intending to participate in the evidentiary hearing shall be filed not later than May 22, 1957.

Adopted: May 8, 1957.

Released: May 13, 1957.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 57-4023; Filed, May 15, 1957;  
8:51 a. m.]

[Docket No. 12016; FCC 57-468]

JAY SADOW

ORDER DESIGNATING APPLICATION FOR  
HEARING ON STATED ISSUES

In re application of Jay Sadow, Rossville, Georgia, Docket No. 12016, File No. BP-10827; for construction permit.

At a session of the Federal Communications Commission held at its offices in Washington, D. C. on the 8th day of May 1957;

The Commission having under consideration the above-captioned application of Jay Sadow for a construction permit for a new standard broadcast station to operate on 980 kilocycles with a power of 500 watts, daytime only, at Rossville, Georgia;

It appearing, that the applicant is legally, technically, financially and otherwise qualified, except as may appear from the issues specified below, to operate the proposed station, but that the proposed operation would cause objectionable interference to Station WSIX, Nashville, Tennessee (980 kc, 5 kw, DA-N, U); and

It further appearing, that, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the subject applicant was advised by letter dated February 25, 1957, of the aforementioned interference and that the Commission

was unable to conclude that a grant of the application would be in the public interest; and

It further appearing, that Station WSIX, by letter of December 13, 1956, expressed an intention of appearing at a hearing on the application; and

It further appearing, that a timely reply to the Commission's letter was received from the applicant; and

It further appearing, that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

It is ordered, That, pursuant to section 309 (b) of the Communications Act of 1934, as amended, the said application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposed operation, and the availability of other primary service to such areas and populations.

2. To determine whether the proposed operation would cause objectionable interference to Station WSIX, Nashville, Tennessee, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine, in the light of the evidence adduced pursuant to the foregoing issues, if a grant of the subject application would serve the public interest.

It is further ordered, That WSIX, Inc., licensee of Station WSIX, is made a party to the proceeding.

It is further ordered, That, to avail themselves of the opportunity to be heard, Jay Sadow and WSIX, Inc., pursuant to § 1.387 of the Commission's rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: May 10, 1957.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F. R. Doc. 57-4024; Filed, May 15, 1957;  
8:51 a. m.]

## DEPARTMENT OF THE TREASURY

### Foreign Assets Control

#### IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM HONG KONG

#### AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF HONG KONG

Notice is hereby given that certificates of origin issued by the Department of Commerce and Industry of the Government of Hong Kong under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Hong Kong of the following additional commodities:

Figurines: Jade, quartz, and hardstone.  
Joss paper.  
Olives, black and white.

[SEAL]

ELTING ARNOLD,  
Acting Director,  
Foreign Assets Control.

[F. R. Doc. 57-4050; Filed, May 15, 1957;  
9:14 a. m.]

#### IMPORTATION OF CERTAIN MERCHANDISE DIRECTLY FROM TAIWAN (FORMOSA)

#### AVAILABLE CERTIFICATIONS BY THE GOVERNMENT OF TAIWAN (FORMOSA)

Notice is hereby given that certificates of origin issued by the Ministry of Economic Affairs of the Republic of China under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Taiwan (Formosa) of the following additional commodities:

Lunggan: Dried, pulp, canned or fresh.  
Lily Root: Fresh, sugared, or powdered.

[SEAL]

ELTING ARNOLD,  
Acting Director,  
Foreign Assets Control.

[F. R. Doc. 57-4051; Filed, May 15, 1957;  
9:14 a. m.]

## DEPARTMENT OF COMMERCE

### Office of the Secretary

ROBERT H. MERRILL

#### REPORT OF APPOINTMENT AND STATEMENT OF FINANCIAL INTERESTS

Report of appointment and statement of financial interests required by section 710 (b) (6) of the Defense Production Act of 1950, as amended.

#### Report of Appointment

1. Name of appointee: Mr. Robert H. Merrill.
2. Employing agency: Department of Commerce, Business and Defense Services Administration.
3. Date of appointment: May 7, 1957.
4. Title of position: Director, Copper Division.
5. Name of private employer: General Electric Company, Bridgeport, Connecticut.

CARLTON HAYWARD,  
Director of Personnel.

MARCH 5, 1957.

#### Statement of Financial Interests

6. Names of any corporations of which the appointee is an officer or director or within 60 days preceding appointment has been an officer or director, or in which the appointee owns or within 60 days preceding appointment has owned any stocks, bonds, or other financial interests; any partnerships in which the appointee is, or within 60 days preceding appointment was, a partner; and any other businesses in which the appointee owns, or within 60 days preceding appointment has owned, any similar interest.

General Electric Co., 570 Lexington Ave., New York 22, N. Y.

Elfun Trusts, 570 Lexington Ave., New York 22, N. Y.  
Bank deposits.

Dated: May 7, 1951.

ROBERT H. MERRILL,

[F. R. Doc. 57-4012; Filed, May 15, 1957;  
8:50 a. m.]

JACK H. SMITH

#### STATEMENT OF CHANGES IN FINANCIAL INTERESTS

In accordance with the requirements of section 710 (b) (6) of the Defense Production Act of 1950, as amended, and Executive Order 10647 of November 28, 1955, the following changes have taken place in my financial interests as reported in the FEDERAL REGISTER of November 20, 1956, 21 F. R. 8993.

- A. Deletions: No change.
- B. Additions: No change.

This statement is made as of May 6, 1957.

Dated: May 6, 1957.

JACK H. SMITH.

[F. R. Doc. 57-4013; Filed, May 15, 1957;  
8:50 a. m.]

## FEDERAL POWER COMMISSION

[Docket No. E-6750]

MONTANA POWER CO.

#### NOTICE OF APPLICATION

MAY 10, 1957.

Take notice that on May 6, 1957, an application was filed with the Federal Power Commission pursuant to section 204 of the Federal Power Act by The Montana Power Company ("Applicant"), a corporation organized under the laws of the State of New Jersey and doing business in the States of Montana, Idaho and Wyoming, with its principal business office at Butte, Montana, seeking an order authorizing the issuance of short-term Promissory Notes up to an aggregate principal amount of \$25,000,000. Applicant proposes to borrow from commercial banks and to issue therefor its unsecured Promissory Notes with a maturity of not to exceed one year from the date of issue. Applicant proposes to borrow such funds from time to time as required at the then applicable rate of interest. Application states that pursuant to the exemption provided under section 204 (e) of the Federal Power Act, Applicant may borrow up to an amount of approximately \$9,500,000 on notes of maturity of one year or less and that the authorization requested in this matter is to cover the borrowing in excess of such exemption or approximately \$15,500,000. The proceeds from the proposed loans will be used by Applicant for the construction, completion, extension or improvement of Applicant's facilities.

Any person desiring to be heard or to make any protest with reference to said application should on or before the 3d day of June 1957, file with the Federal Power Commission, Washington 25, D. C., a petition or protest in accordance with the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The

application is on file and available for public inspection.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 57-4000; Filed, May 15, 1957;  
8:48 a. m.]

[Docket No. G-7486]

PAN AMERICAN PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

MAY 10, 1957.

Take notice that Stanolind Oil and Gas Company, now Pan American Petroleum Corporation (Applicant), with its principal place of business in Tulsa, Okla., filed an application on December 2, 1954, as supplemented on October 8, 1956 and November 26, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the sale of natural gas as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application, as supplemented, which is on file with the Commission and open to public inspection.

Applicant proposes to sell natural gas in interstate commerce to El Paso Natural Gas Company for resale, from production in the Langlie-Mattix Field, Lea County, New Mexico under a basic contract dated April 20, 1949, as supplemented October 28, 1955; April 10, 1956; August 9, 1956; and October 18, 1956.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 12, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 27, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 57-4001; Filed, May 15, 1957;  
8:48 a. m.]

[Docket No. G-2505]

NORTHERN NATURAL GAS CO.

NOTICE OF HEARING TO CONSIDER SETTLEMENT AND DISTRIBUTION OF REFUNDS

MAY 10, 1957.

By order issued July 26, 1956, the Commission inter alia approved a proposed settlement of this proceeding, and provided for further proceedings to determine the appropriate amount of refund of excess charges applicable hereto. Upon the basis of joint conferences held May 8-9, 1957, between Northern Natural Gas Company, its utility customers, and the Commission's staff, a proposed basis for settlement of the issues concerning the amount of refund to be made by Northern was agreed upon by the participating parties.

In the absence of objection to the proposed settlement and distribution of refunds, it is appropriate that such action be consummated with the least possible delay. All participants in the said conferences of May 8-9, 1957 have requested that hearing thereon be held commencing at 2:00 p. m., e. d. s. t., on May 21, 1957.

Take notice that pursuant to the provisions of the Natural Gas Act and the Commission's rules of practice and procedure, a hearing will be held on May 21, 1957, at 2:00 p. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the settlement and distribution of refunds to be made by Northern Natural Gas Company herein.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 57-4004; Filed, May 15, 1957;  
8:49 a. m.]

[Docket No. G-10923]

PAN-AM SOUTHERN CORP., AND PAN AMERICAN PETROLEUM CORP.

NOTICE OF APPLICATION AND DATE OF  
HEARING

MAY 10, 1957.

Take notice that Pan-Am Southern Corporation (Pan-Am Southern) and Pan American Petroleum Corporation (Pan American) formerly Stanolind Oil and Gas Company, filed a joint application on August 16, 1956, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

The joint application proposes that:

(1) Pan-Am Southern be authorized to abandon service to Arkansas Louisiana Gas Company (Arkansas Louisiana) from leases in the Simsboro Field, Lincoln Parish, Louisiana, pursuant to section 7 (b) of the act, which service was previously authorized on January 5, 1955 in Docket No. G-3001; and

(2) Pan American be authorized to continue the service to Arkansas Louisiana, pursuant to section 7 (c) of the

act, proposed to be abandoned by Pan-Am Southern.

The application states that Pan American, by assignments, effective as of June 1, 1956, has acquired all of the interest of Pan-Am Southern in oil and gas leases from which the service is being rendered and which is the subject of the joint application herein.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 11, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however,* That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 27, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 57-4002; Filed, May 15, 1957;  
8:48 a. m.]

[Docket No. G-11457]

WESTHOMA OIL CO.

NOTICE OF APPLICATION AND DATE OF  
HEARING

MAY 10, 1957.

Westhoma Oil Company (Applicant), a Delaware corporation with its principal place of business in Hooker, Oklahoma, filed an application on November 9, 1956, for a certificate of public convenience and necessity, pursuant to section 7 of the Natural Gas Act, authorizing the Applicant to render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application on file with the Commission, and open for public inspection.

The Commission issued temporary authorization to the Applicant on December 4, 1956.

Applicant proposes to produce natural gas in the Enns Pool, Texas County, Oklahoma, and to sell the same in interstate commerce to Panhandle Eastern

Pipe Line Company for resale subject to the jurisdiction of the Commission.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 20, 1957, at 9:30 a. m., e. d. s. t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before June 3, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 57-4003; Filed, May 15, 1957;  
8:48 a. m.]

[Docket No. G-10815]

N. C. GINTHER ET AL.

#### NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1957.

In the matters of N. C. Ginther, et al., and R. E. Hibbert.

Take notice that N. C. Ginther, et al., and R. E. Hibbert, each having their principal place of business in Houston, Texas, filed a joint application on July 26, 1956, pursuant to section 7 of the Natural Gas Act, for permission and approval to abandon and render service as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

By the joint application R. E. Hibbert seeks permission and approval, pursuant to section 7 (b) of the Natural Gas Act, to abandon the sale of natural gas in interstate commerce to Transcontinental Gas Pipe Line Corporation (Transco) for resale, from production in the Pietzsch Bend Field, Wharton County, Texas, which service was previously authorized in Docket No. G-8049.

On the joint application, N. C. Ginther et al. seeks authority, pursuant to section 7 (c) of the Natural Gas Act, to

continue the service to Transco proposed to be abandoned by R. E. Hibbert.

The application states that R. E. Hibbert, effective as of November 7, 1955, assigned to N. C. Ginther et al. all rights, title and interest in the subject acreage dedicated to Transco under a basic gas sales contract dated September 13, 1951.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 12, 1957 at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 27, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 57-4005; Filed, May 15, 1957;  
8:49 a. m.]

[Docket No. G-11700]

H. J. CHAVANNE, TRUSTEE, AND PRINCE  
MARINE DRILLING & EXPLORATION CO.

#### NOTICE OF APPLICATION AND DATE OF HEARING

MAY 10, 1957.

Take notice that H. J. Chavanne, Trustee (Chavanne), an independent producer, and Prince Marine Drilling & Exploration Company, a Delaware corporation (Prince Marine), with their respective principal places of business in Houston, Texas, filed a joint application on January 2, 1957, for permission and approval to abandon and authority to render service pursuant to section 7 of the Natural Gas Act, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the joint application which is on file with the Commission and open to public inspection.

The joint application proposes that:

(1) Chavanne be permitted to abandon sales of natural gas to Texas Eastern Transmission Corporation from production in the Englehart and Nada Fields,

Colorado County, Texas, which sales were previously authorized in Docket Nos. G-6309 and G-9981, respectively.

(2) Prince Marine continue the sales to Texas Eastern Transmission Corporation proposed to be abandoned by Chavanne.

The joint application states that under contract dated October 26, 1956, Chavanne agreed to sell all of his producing oil and gas properties and certain other assets to Prince Marine subject to two gas sales contracts, one dated April 16, 1953, between Chavanne, Trustee, and Texas Eastern Transmission Corporation covering acreage in the Englehart Field, and the other dated January 27, 1956, between Chavanne, Trustee, and Texas Eastern Transmission Corporation covering acreage in the Nada Field.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on June 11, 1957, at 9:30 a. m., e. d. s. t., in a hearing room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30 (c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicants to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D. C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before May 27, 1957. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL]

JOSEPH H. GUTRIDE,  
Secretary.

[F. R. Doc. 57-4006; Filed, May 15, 1957;  
8:49 a. m.]

### CIVIL SERVICE COMMISSION

CERTAIN OFFICE MACHINE OPERATOR POSITIONS IN SAN DIEGO, CALIFORNIA METROPOLITAN AREA (SAN DIEGO COUNTY, CALIF.) AND IN LOS ANGELES, CALIFORNIA AREA (LOS ANGELES AND ORANGE COUNTIES AND THE VENTURA-OXNARD PORTION OF VENTURA COUNTY, CALIF.)

#### NOTICE OF INCREASE IN MINIMUM RATES OF PAY

Under the provisions of section 803 of the Classification Act of 1949, as amended (68 Stat. 1106; 5 U. S. C. 1133), pursuant to 5 CFR 25.103, 25.105, the Commission has increased the minimum rates

of pay for the following positions as indicated:

1. In the San Diego, California metropolitan area as defined above:

CARDPUNCH OPERATION SERIES  
GS-356-0

| Grade level | Salary per year | Step    |
|-------------|-----------------|---------|
| GS-3.....   | \$3,430         | Fourth. |
| GS-4.....   | \$3,585         | Third.  |

TABULATING MACHINE OPERATION  
SERIES GS-358-0

| Grade level | Salary per year | Step     |
|-------------|-----------------|----------|
| GS-3.....   | \$3,685         | Seventh. |
| GS-4.....   | \$3,925         | Seventh. |
| GS-5.....   | \$4,480         | Seventh. |
| GS-6.....   | \$4,890         | Seventh. |

TABULATING EQUIPMENT OPERATION  
SERIES GS-359-0

| Grade level | Salary per year | Step     |
|-------------|-----------------|----------|
| GS-3.....   | \$3,685         | Seventh. |
| GS-4.....   | \$3,925         | Seventh. |
| GS-5.....   | \$4,480         | Seventh. |
| GS-6.....   | \$4,890         | Seventh. |
| GS-7.....   | \$5,200         | Sixth.   |
| GS-8.....   | \$5,375         | Fourth.  |

2. In the Los Angeles, California area as defined above:

CARD PUNCH OPERATION SERIES  
GS-356-0 (alphabetic only)

| Grade level | Salary per year | Step    |
|-------------|-----------------|---------|
| GS-3.....   | \$3,430         | Fourth. |
| GS-4.....   | \$3,670         | Fourth. |
| GS-5.....   | \$4,075         | Fourth. |

TABULATING MACHINE OPERATION  
SERIES GS-358-0

| Grade level | Salary per year | Step     |
|-------------|-----------------|----------|
| GS-3.....   | \$3,685         | Seventh. |
| GS-4.....   | \$3,925         | Seventh. |
| GS-5.....   | \$4,480         | Seventh. |
| GS-6.....   | \$4,890         | Seventh. |
| GS-7.....   | \$5,335         | Seventh. |

TABULATING EQUIPMENT OPERATION  
SERIES GS-359-0

| Grade level | Salary per year | Step     |
|-------------|-----------------|----------|
| GS-3.....   | \$3,685         | Seventh. |
| GS-4.....   | \$3,925         | Seventh. |
| GS-5.....   | \$4,480         | Seventh. |
| GS-6.....   | \$4,890         | Seventh. |
| GS-7.....   | \$5,335         | Seventh. |

These increases will be effective on the first day of the first pay period which begins after May 7, 1957.

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,  
Executive Assistant.

[F. R. Doc. 57-4010; Filed, May 15, 1957; 8:50 a. m.]

## DEPARTMENT OF AGRICULTURE

### Agricultural Marketing Service

HARRISON SALES CO. ET AL.

#### PROPOSED POSTING OF STOCKYARDS

The Director of the Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, has information that the livestock markets named below are stockyards as defined in section 302 of the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 202), and should be made subject to the provisions of the act.

Harrison Sales Co., Harrison, Arkansas.  
Farmers Sales Company, Carroll, Iowa.  
Coltharp's Commission Barn, DeRidder, Louisiana.  
Gillespie County Livestock Sales Company, Fredericksburg, Texas.  
Frio Livestock Sales Company, Pearsall, Texas.  
Southwest Livestock Auction Company, Uvalde, Texas.  
Uvalde Livestock Sales Company, Uvalde, Texas.  
Burkburnett Livestock Sales Barn, Burkburnett, Texas.

Notice is hereby given, therefore, that the said Director, pursuant to authority delegated under the Packers and Stockyards Act, 1921, as amended (7 U. S. C. 181 et seq.), proposes to issue a rule designating the stockyards named above as posted stockyards subject to the provisions of the act, as provided in section 302 hereof.

Any person who wishes to submit written data, views, or arguments concerning the proposed rule may do so by filing them with the Director, Livestock Division, Agricultural Marketing Service, United States Department of Agriculture, Washington 25, D. C., within 15 days after publication hereof in the FEDERAL REGISTER.

Done at Washington, D. C., this 10th day of May 1957.

[SEAL] DAVID M. PETTUS,  
Acting Director, Livestock Division, Agricultural Marketing Service.

[F. R. Doc. 57-4028; Filed, May 15, 1957; 8:52 a. m.]

## FEDERAL RESERVE SYSTEM

### NORTHWEST BANCORPORATION

#### ORDER GRANTING APPLICATION FOR ACQUISITION OF VOTING SHARES OF FIRST NATIONAL BANK OF HOYT LAKES

In the matter of the application of Northwest Bancorporation for approval of acquisition of voting shares of First National Bank of Hoyt Lakes, Hoyt Lakes, Minnesota.

The above matter having come before the Board on the application of Northwest Bancorporation, Minneapolis, Minnesota, dated February 11, 1957, filed pursuant to the provisions of section 3 (a) (2) of the Bank Holding Company Act of 1956, for prior approval of acquisition by Northwest Bancorporation of

direct ownership of 1,200 shares of a total of 1,250 voting shares of the proposed First National Bank of Hoyt Lakes, Hoyt Lakes, Minnesota, and it appearing after due consideration thereof in the light of the factors enumerated in section 3 (c) of the Bank Holding Company Act of 1956 that such application should be granted,

It is hereby ordered, That the said application be and hereby is granted and the acquisition by Northwest Bancorporation of 1,200 voting shares of First National Bank of Hoyt Lakes, Hoyt Lakes, Minnesota, is hereby approved, provided that such acquisition is completed within three months from the date hereof.

Dated: May 9, 1957.

By order of the Board of Governors.

[SEAL] S. R. CARPENTER,  
Secretary.

[F. R. Doc. 57-4007; Filed, May 15, 1957; 8:49 a. m.]

## HOUSING AND HOME FINANCE AGENCY

### Office of the Administrator

DIRECTOR, ADMINISTRATIVE MANAGEMENT,  
REGION V (FORT WORTH)

#### REDELEGATION OF AUTHORITY TO EXECUTE CERTAIN CONTRACTS AND AGREEMENTS WITH RESPECT TO ADMINISTRATIVE MATTERS

The Director, Administrative Management, Region V (Fort Worth), Housing and Home Finance Agency, is hereby authorized to take the following action with respect to administrative matters within such Region: Execute contracts and agreements for supplies, equipment, and services (except purely personal services) necessary for the operation and maintenance of field offices in the Region.

This delegation of authority supercedes the delegation effective September 8, 1952 (19 F. R. 4391, 7/16/54).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954; 62 Stat. 1283 (1948), as amended by 64 Stat. 80 (1950), 12 U. S. C. 1952 ed. 1701c)

Effective as of the 1st day of July 1956.

W. H. SINDT,  
Regional Administrator,  
Region V.

[F. R. Doc. 57-4025; Filed, May 15, 1957; 8:51 a. m.]

DIRECTOR, ADMINISTRATIVE MANAGEMENT,  
REGION V (FORT WORTH)

#### REDELEGATION OF AUTHORITY TO EXECUTE LEGENDS ON BONDS, NOTES AND OTHER OBLIGATIONS

The Director, Administrative Management, Region V, Fort Worth, Texas, Housing and Home Finance Agency, is hereby authorized within such Region to execute, on behalf of the Housing and Home Finance Administrator, in instances where necessary or appropriate,

any legend appearing on any bond, note or other obligation being acquired by the Federal Government from a local public agency on account of a loan to such local public agency pursuant to Title I of the Housing Act of 1949, as amended (63 Stat. 414-421, as amended, 42 U. S. C., 1952 ed. and Sup. I 1450-1460), which legend indicates the Federal Government's acceptance of the delivery of the particular bond, note or other obligation and its payment therefor on the date specified in the particular legend.

This delegation of authority supersedes the delegation effective as of the 1st day of April 1955 (20 F. R. 2341 4/9/55).

(Reorg. Plan No. 3 of 1947, 61 Stat. 954 (1947); Reorg. Order 1, 19 F. R. 9303-5 (Dec. 29, 1954); 62 Stat. 1283 (1948) as amended by 64 Stat. 80 (1950), 12 U. S. C., 1952 ed. 1701c; Delegation of Authority, 20 F. R. 556 (Jan. 25, 1955))

Effective as of the 1st day of July 1956.

W. H. SINDT,  
Regional Administrator,  
Region V.

[F. R. Doc. 57-4026; Filed, May 15, 1957;  
8:52 a. m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 812-1077]

AXE-HOUGHTON FUND A, INC., ET AL.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION TO PERMIT COMBINATION OF PURCHASES OF SHARES OF DIFFERENT FUNDS TO OBTAIN QUANTITY DISCOUNTS

MAY 9, 1957.

In the matter of Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Axe-Houghton Stock Fund, Inc., Axe Science & Electronics Corporation, and Axe Securities Corporation; File No. 812-1077.

Notice is hereby given that Axe-Houghton Fund A, Inc., Axe-Houghton Fund B, Inc., Axe-Houghton Stock Fund, Inc., and Axe Science & Electronics Corporation (the "Funds"), all open-end diversified management investment companies registered under the Investment Company Act of 1940 ("act"), and Axe Securities Corporation, the principal underwriter for the Funds, have filed a joint application pursuant to section 6 (c) of the act for an order exempting from the provisions of section 22 (d) of the act the offering of the shares of the Funds at reduced public offering prices based on combined quantity purchases of their shares.

The Funds have the same principal underwriter and investment adviser and certain of the same officers and directors. They have different investment objectives and portfolio holdings. The offering price of the shares of each of the Funds is the net asset value per share plus a percentage of the offering price as a selling commission. Quantity discounts are available with respect to purchases in amounts of \$25,000 or more of each fund, as set forth in the respective prospectuses. In each case the selling commission currently is reduced to 6 percent on purchases of \$25,000 to \$50,000; 4 percent on purchases of \$50,000 to

\$100,000; 3 percent on purchases of \$100,000 to \$150,000; 2 percent on purchases of \$150,000 to \$250,000; and 1 percent on purchases of \$250,000 or more.

The Funds, with the exception of Axe Science & Electronics Corporation, which was not organized until 1955, were granted an exemption by the Commission on August 17, 1950 from the provisions of section 22 (d) of the act so that sales of shares of more than one of such Funds could be made concurrently to a purchaser at offering prices reflecting a quantity discount based on the aggregate amount of the concurrent sales of the shares of all such Funds then being made to such purchaser (Investment Company Act Release No. 1505).

It is now proposed (1) to extend the quantity discounts so that sales of shares of more than one of the applicant Funds, including Axe Science & Electronics Corporation, can be made concurrently to a purchaser at offering prices reflecting a quantity discount, at the rates described in the prospectuses of the Funds involved, based on the aggregate amount of the concurrent sales of the shares of all such Funds to such purchaser; (2) to sell shares of more than one of the Funds pursuant to an investor's letter of intention, or a letter of investment intention of an organization exempt from taxation under the Internal Revenue Code, under which sales will be made at offering prices reflecting a quantity discount, at the rates described in the prospectuses of the Funds involved, based on the aggregate amount of the sales of the shares of all such Funds intended to be purchased pursuant to such letter; and (3) to sell shares of any of the Funds to organizations exempt from taxation under the Internal Revenue Code at offering prices reflecting a quantity discount, at the rates described in the prospectuses, based upon the cumulative cost to the purchaser over an indefinite period of all the shares of all such Funds then held or then being purchased by such a tax-exempt organization.

The application states that the proposals will permit investors who wish to diversify their purchases among the Funds because of their various investment objectives and portfolios to do so without sacrificing the quantity discount which would otherwise be available only if their entire investment were made in the shares of only one of the Funds. Applicants also state that since a large proportion of tax-exempt organizations make substantial investments in securities at intervals over indefinite periods of time, and purchase and hold securities for investment rather than resale, and since no part of the savings to them in sales commissions can enure to the benefit of any private shareholder or individual, applicants believe it is also appropriate in the public interest and consistent with the protection of investors to permit sales to tax-exempt organizations over an indefinite period at reduced selling commissions as proposed.

Section 22 (d) of the act, with certain exceptions, prohibits an offering of redeemable securities otherwise than at a current public offering price described

in the prospectus. Section 6 (c) provides that the Commission may grant an exemption from any provision of the act if and to the extent such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the act.

Since the proposed transactions may involve an offering of redeemable securities otherwise than at a current public offering price described in the prospectus within the meaning of section 22 (d) of the act, the application requests an exemption to the extent necessary to permit the offering of shares on the basis proposed.

Notice is further given that any interested person may, not later than May 22, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication of request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL]

NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 57-4008; Filed, May 15, 1957;  
8:50 a. m.]

[File No. 812-1078]

PINE STREET FUND, INC.

NOTICE OF FILING OF APPLICATION FOR EXEMPTION OF PURCHASE OF SECURITIES DURING EXISTENCE OF UNDERWRITING SYNDICATE

MAY 10, 1957.

Notice is hereby given that Pine Street Fund, Inc. ("Applicant"), a registered open-end investment company, has filed an application pursuant to the Investment Company Act of 1940 ("act"), for an order of the Commission exempting from the provisions of section 10 (f) of the act, the proposed purchase by the Applicant of not to exceed 1,500 shares of Capital Stock (without par value) of International Business Machines Corporation ("IBM").

The application makes the following representations:

IBM filed with the Securities and Exchange Commission ("Commission") on May 1, 1957 a registration statement under the Securities Act of 1933 covering 1,050,223 shares of its Capital Stock (without par value) which it proposes to offer for subscription to its stockholders at the rate of one share for each ten shares held of record at the close of business on May 21, 1957. It is expected that the subscription rights will be admitted to trading on the New York

Stock Exchange. The registration statement setting forth the price at which the subscription offer will be made is expected to become effective on or about May 21, 1957. The subscription offer will expire at 3:30 p. m., New York Time, on June 10, 1957 and shares not subscribed for are to be purchased and offered publicly by an underwriting syndicate which is expected to include Wood, Struthers & Co.

Wood, Struthers & Co. is Applicant's investment adviser; Samuel R. Milbank and Henry A. Colgate, two of Applicant's five directors, are partners in Wood, Struthers & Co.; A. Oakley Brooks, Vice President of Applicant, is a partner in Wood, Struthers & Co.; and Milton S. Harrison, William H. Bode, Arthur V. C. Marshall and Daniel J. Lynch, officers of Applicant, are employees of Wood, Struthers & Co.

Applicant proposes, after commencement of the subscription offer, to purchase not exceeding 1,500 shares of Capital Stock of IBM in one or both of the following ways: (a) Through the exercise of subscription rights which will be purchased at the price or prices at which subscription rights are being quoted on the New York Stock Exchange at the time of purchase or (b) from any underwriter, dealer or broker or other person selling shares of such Capital Stock at the price or prices at which such Capital Stock is being offered to the general public. No purchase will be made from Wood, Struthers & Co. or from the managing underwriter selling for group account. Applicant does not presently own any shares of Capital Stock of IBM.

If Applicant were to purchase the entire 1,500 shares of Capital Stock of IBM as proposed, such shares would represent approximately 0.14 percent of the total offering and, assuming a purchase price of \$285 per share (the proposed maximum offering price set forth in the registration statement of IBM), the aggregate purchase price would represent \$427,500 or approximately 3.2 percent of the total assets of Applicant as of March 31, 1957.

Applicant considers it desirable to be in a position to purchase shares of Capital Stock of IBM during and immediately following the subscription period in order to have reasonable assurance of being able to obtain a substantial block of such shares and to avoid the possibility of a higher price after the distribution has been completed and the underwriting syndicate has been dissolved.

The proposed purchase by Applicant of shares of Capital Stock of IBM is stated to be consistent with Applicant's investment policies as filed with the Commission.

Section 10 (f) of the act provides, among other things, that no registered investment company shall knowingly purchase or otherwise acquire, during the existence of any underwriting or selling syndicate, any security (except a security of which such company is the issuer) a principal underwriter of which is an officer or director of such registered company or is a person of which any such officer or director is an affiliated person.

No. 95—3

The Commission may exempt a transaction from this prohibition if and to the extent that such exemption is consistent with the protection of investors. By reason of the affiliations as stated above, the proposed purchase is prohibited by the provisions of section 10 (f) unless the Commission finds that the proposed acquisition of securities is consistent with the protection of investors.

Notice is further given that any interested person may, not later than May 24, 1957, at 5:30 p. m., submit to the Commission in writing any facts bearing upon the desirability of a hearing on the matter and may request that a hearing be held, such request stating the nature of his interest, the reasons for such request and the issues, if any, of fact or law proposed to be controverted, or he may request that he be notified if the Commission should order a hearing thereon. Any such communication or request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D. C. At any time after said date, the application may be granted as provided in Rule N-5 of the rules and regulations promulgated under the act.

By the Commission.

[SEAL] NELLYE A. THORSEN,  
Assistant Secretary.

[F. R. Doc. 57-4009; Filed, May 15, 1957;  
8:50 a. m.]

## UNITED STATES TARIFF COMMISSION

[Investigation 9b]

### RYE

#### NOTICE OF INVESTIGATION AND HEARING

*Investigation instituted.* By direction of the President, the United States Tariff Commission, on the 13th day of May 1957, instituted, and hereby gives notice of, an investigation under section 22 of the Agricultural Adjustment Act, as amended, and Executive Order No. 7233 of November 23, 1935, for the purpose of determining whether rye, rye flour, and rye meal are practically certain to be imported into the United States after June 30, 1957, under such conditions and in such quantities as to render or tend to render ineffective or materially interfere with the price-support program for rye undertaken by the United States Department of Agriculture pursuant to sections 301 and 401 of the Agricultural Act of 1949, as amended, or to reduce substantially the amount of products processed in the United States from domestic rye.

*Hearing.* All interested parties will be given opportunity to be present, to produce evidence, and to be heard at a public hearing to be held in the Hearing Room, Tariff Commission Building, Eighth and E Streets NW., Washington, D. C., beginning at 10 a. m., e. d. s. t., on the 3d day of June 1957.

*Request to appear at hearing.* Interested parties desiring to appear at the public hearing should notify the Secretary of the Commission, in writing, at the Commission's offices in Washington,

D. C., at least three days in advance of the date of the hearing.

Issued: May 13, 1957.

By order of the Commission.

[SEAL] DONN N. BENT,  
Secretary.

[F. R. Doc. 57-4027; Filed, May 15, 1957;  
8:52 a. m.]

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[Portland-Area Office Redesignation Order 1,  
Amdt. 2]

#### SUPERINTENDENTS AND OTHER DESIGNATED EMPLOYEES

##### REDELEGATIONS OF AUTHORITY WITH RESPECT TO CERTAIN FUNCTIONS

Order 1, as amended, is further amended by the addition of a new heading and new sections, as follows:

##### FUNCTIONS RELATING TO CREDIT MATTERS

SEC. 2.134 *Loan security.* The approval of mortgages of trust chattels and crops on trust or restricted land of an Indian, and assignments of income from trust or restricted land of an Indian as security for a loan by any lender.

SEC. 2.135 *Assignments of trust property.* The approval of assignments of any trust property of an Indian, except land, and authority to act as the Indian's attorney in fact to execute leases on any trust land in which the Indian borrower may have an interest and to apply the rentals on the Indian's indebtedness, for a loan made pursuant to 25 CFR 21, 23, and 28.

SEC. 2.136 *Release of United States interests.* The release of interests of the United States in any trust or restricted property of an Indian, except land.

H. L. MOORE,  
Acting Area Director.

Approved: May 7, 1957.

GLENN L. EMMONS,  
Commissioner.

[F. R. Doc. 57-3878; Filed, May 15, 1957;  
8:45 a. m.]

### Bureau of Land Management

[Document 149]

#### ARIZONA

##### NOTICE OF PROPOSED WITHDRAWAL AND RESERVATION OF LANDS

MAY 8, 1957.

The Corps of Engineers, U. S. Army, has filed applications, Serial Nos. AR-07057 and AR-014355, for the withdrawal of the lands described below, from all forms of appropriation including the mining and mineral leasing laws.

The applicant desires the land for enlargement of Fort Huachuca in that vicinity for the performance of the military mission.

For a period of thirty (30) days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 148, Phoenix, Arizona.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

GILA AND SALT RIVER MERIDIAN

SERIAL NO. AR-07057

T. 21 S., R. 20 E.,  
Sec. 9: S $\frac{1}{2}$ ;  
Sec. 10: SW $\frac{1}{4}$ ;  
Sec. 16: All.

SERIAL NO. AR-014355

T. 20 S., R. 20 E.,  
Sec. 25: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ ;  
Sec. 26: Lot 1, NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ ;  
Sec. 36: All.

T. 21 S., R. 20 E.,  
Sec. 1: All;  
Sec. 2: All;  
Sec. 3: Lot 1, N $\frac{1}{2}$ SE $\frac{1}{4}$ , SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 4: Lots 2, 3, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 9: N $\frac{1}{2}$ ;  
Sec. 10: N $\frac{1}{2}$ ;  
Sec. 11: SE $\frac{1}{4}$ ;  
Sec. 12: All;  
Sec. 13: NE $\frac{1}{4}$ ;

T. 20 S., R. 21 E.,  
Sec. 19: NE $\frac{1}{4}$ ;  
Sec. 20: All;  
Sec. 21: W $\frac{1}{2}$ ;  
Sec. 29: N $\frac{1}{2}$ , SW $\frac{1}{4}$ ;  
Sec. 30: All;  
Sec. 32: All.

T. 21 S., R. 21 E.,  
Sec. 3: Lots 6, 7, W $\frac{1}{2}$ SE $\frac{1}{4}$ , SW $\frac{1}{4}$ ;  
Sec. 4: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6: Lots 1, 2, 3, 4, SE $\frac{1}{4}$ ;  
Sec. 7: Lots 1, 2, 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , S $\frac{1}{2}$ ,  
SE $\frac{1}{4}$ ;  
Sec. 8: All;  
Sec. 9: All;  
Sec. 10: All;  
Sec. 16: All.

The area described totals 13,463.27 acres.

EUGENE H. NEWELL,  
Acting State Supervisor.

[F. R. Doc. 57-3985; Filed, May 15, 1957;  
8:45 a. m.]

[Classification 545]

CALIFORNIA

SMALL TRACT CLASSIFICATION

MAY 7, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 562.94 acres in San Bernardino County, California, as suitable for lease and sale for residence pur-

poses and/or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 10 N., R. 6 W.,  
Sec. 4, N $\frac{1}{2}$ , SE $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 7, 1957, will be granted, as soon as possible, after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,  
Officer-in-Charge,  
Southern Field Group,  
Los Angeles, California.

[F. R. Doc. 57-3986; Filed, May 15, 1957;  
8:45 a. m.]

[Classification 547]

CALIFORNIA

SMALL TRACT CLASSIFICATION

MAY 7, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 240 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes and/or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 2 N., R. 3 E.,  
Sec. 36, NE $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of

September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 7, 1957, will be granted, as soon as possible, after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,  
Officer-in-Charge,  
Southern Field Group,  
Los Angeles, California.

[F. R. Doc. 57-3987; Filed, May 15, 1957;  
8:45 a. m.]

[Classification 549]

CALIFORNIA

SMALL TRACT CLASSIFICATION

MAY 7, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 200 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes and/or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

SAN BERNARDINO BASE AND MERIDIAN

T. 3 N., R. 4 W.,  
Sec. 11, SW $\frac{1}{4}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 14, N $\frac{1}{2}$ NE $\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 7, 1957, will be granted, as soon as possible, after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,  
Officer-in-Charge,  
Southern Field Group,  
Los Angeles, California.

[F. R. Doc. 57-3988; Filed, May 15, 1957;  
8:45 a. m.]

[Classification 551]

CALIFORNIA

SMALL TRACT CLASSIFICATION

MAY 7, 1957.

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under

Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 55 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes and/or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

**SAN BERNARDINO BASE AND MERIDIAN**

T. 5 N., R. 2 W.,

Sec. 33, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ,  
E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 7, 1957, will be granted, as soon as possible, after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,  
Officer-in-Charge,  
Southern Field Group,  
Los Angeles, California.

[F. R. Doc. 57-3989; Filed, May 15, 1957;  
8:46 a. m.]

[Classification 553]

**CALIFORNIA**

**SMALL TRACT CLASSIFICATION**

**MAY 7, 1957.**

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 210 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes and/or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

**SAN BERNARDINO BASE AND MERIDIAN**

T. 7 N., R. 1 W.,

Sec. 27, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , NW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ ,  
N $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ NE $\frac{1}{4}$   
NW $\frac{1}{4}$ , NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application

under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 7, 1957, will be granted, as soon as possible after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,  
Officer-in-Charge,  
Southern Field Group,  
Los Angeles, California.

[F. R. Doc. 57-3990; Filed, May 15, 1957;  
8:46 a. m.]

[Classification 555]

**CALIFORNIA**

**SMALL TRACT CLASSIFICATION**

**MAY 7, 1957.**

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 1055.54 acres in San Bernardino County, California, as suitable for lease and sale for residence purposes and/or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

**SAN BERNARDINO BASE AND MERIDIAN**

T. 8 N., R. 1 W.,

Sec. 6, All fractional;  
Sec. 7, All fractional.

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 7, 1957, will be granted, as soon as possible, after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,  
Officer-in-Charge,  
Southern Field Group,  
Los Angeles, California.

[F. R. Doc. 57-3991; Filed, May 15, 1957;  
8:46 a. m.]

[Classification 557]

**CALIFORNIA**

**SMALL TRACT CLASSIFICATION**

**MAY 7, 1957.**

1. Pursuant to authority delegated to me by the California State Supervisor, Bureau of Land Management, under Part II, Document 4, California State Office, dated November 19, 1954 (19 F. R. 7697), I hereby classify the following described public lands, totaling 400 acres in Los Angeles County, California, as suitable for lease and sale for residence purposes and/or direct sale under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

**SAN BERNARDINO BASE AND MERIDIAN**

T. 7., N. 9 W.,

Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$ , NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$   
SE $\frac{1}{4}$ , E $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the mineral leasing laws.

3. The lands classified by this order shall not become subject to application under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended, until it is so provided by an order to be issued by an authorized officer, opening the lands to application or bid with a preference right to veterans of World War II and of the Korean conflict and other qualified persons entitled to preference under the act of September 27, 1944 (58 Stat. 497; 43 U. S. C. 279-284), as amended.

4. All valid applications filed prior to May 7, 1957, will be granted, as soon as possible after the order of opening, the preference right provided for by 43 CFR 257.5 (a).

R. G. SPORLEDER,  
Officer-in-Charge,  
Southern Field Group,  
Los Angeles, California.

[F. R. Doc. 57-3992; Filed, May 15, 1957;  
8:47 a. m.]

[Serial No. Idaho 06937]

**IDAHO**

**ORDER PROVIDING FOR OPENING OF PUBLIC LANDS**

**MAY 9, 1957.**

By virtue of the authority contained in Section 4 of the act of May 24, 1928 (45 Stat. 729; 49 U. S. C. 214), and in accordance with Order No. 541, section 2.5, the Director, Bureau of Land Management approved April 21, 1954 (19 F. R. 247), it is ordered as follows:

The Order of the Assistant Secretary of the Department of the Interior, dated May 20, 1932, withdrawing certain public lands in Idaho for use by the Department of Commerce in the maintenance of air navigation facilities is hereby revoked in part, wherein it affects the following-described land:

## BOISE MERIDIAN, IDAHO

T. 6 N., R. 1 W.,

Sec. 29, NE $\frac{1}{4}$ NW $\frac{1}{4}$ .

The area described contains 40 acres of public land.

The land is located approximately two and one-half miles south of Emmett, Idaho, and is adjacent to State Highway No. 16. The land is composed of the abrupt breaks between the Payette River Valley and the upper plains. The elevation range is estimated at about 350 feet. The soils are generally sandy with sagebrush, mountain mahogany, cheat and other native grasses.

No application for these lands will be allowed under the homestead, desert land, small tract, or any other nonmineral public land law, unless the lands have already been classified as valuable, or suitable for such type of application, or shall be so classified upon consideration of an application. Any application that is filed will be considered on its merits. The lands will not be subject to occupancy or disposition until they have been classified.

Subject to any existing valid rights and the requirements of applicable law, the lands described in paragraph 3 hereof, are hereby opened to filing of applications, selections, and locations in accordance with the following:

a. Applications and selections under the nonmineral public land laws and applications and offers under the mineral leasing laws may be presented to the Manager mentioned below, beginning on the date of this order. Such applications, selections, and offers will be considered as filed on the hour and respective dates shown for the various classes enumerated in the following paragraphs:

(1) Applications by persons having prior existing valid settlement rights, preference rights conferred by existing laws, or equitable claims subject to allowance and confirmation will be adjudicated on the facts presented in support of each claim or right. All applications presented by persons other than those referred to in this paragraph will be subject to the applications and claims mentioned in this paragraph.

(2) All valid applications under the homestead (Alaska home site), desert land, and small tract laws by qualified veterans of World War II or of the Korean conflict, and by others entitled to preference rights under the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284, as amended), presented prior to 10:00 a. m. on June 14, 1957, will be considered as simultaneously filed at that hour. Rights under such preference right applications filed after that hour and before 10:00 a. m. on September 13, 1957, will be governed by the time of filing.

(3) All valid applications and selections under the nonmineral public land laws, other than those coming under paragraphs (1) and (2) above, and applications and offers under the mineral leasing laws, presented prior to 10:00 a. m., on September 13, 1957, will be considered as simultaneously filed at that hour. Rights under such applications and selections filed after that hour will be governed by the time of filing.

b. The lands will be open to location under the United States mining laws, beginning 10:00 a. m., on September 13, 1957.

Persons claiming veteran's preference rights under Paragraph a (2) above must enclose with their applications proper evidence of military or naval service, preferably a complete photostatic copy of the certificate of honorable discharge. Persons claiming preference rights based upon valid settlement, statutory preference, or equitable claims must enclose properly corroborated statements in support of their applications, setting forth all facts relevant to their claims. Detailed rules and regulations governing applications which may be filed pursuant to this notice can be found in Title 43 of the Code of Federal Regulations.

Inquiries and applications concerning the above lands shall be addressed to the Manager, Land Office, Bureau of Land Management, P. O. Box 2237, Boise, Idaho.

J. R. PENNY,  
State Supervisor.

[F. R. Doc. 57-3993; Filed, May 15, 1957;  
8:47 a. m.]

[Serial No. Idaho 07058]

## IDAHO

NOTICE OF PROPOSED WITHDRAWAL AND  
RESERVATION OF LANDS

MAY 7, 1957.

The Department of Agriculture has filed an application, Serial No. Idaho 07978, for the withdrawal of the lands described below, from all forms of appropriation under the general mining laws, subject to valid existing claims. The applicant desires the land for a roadside zone area.

For a period of thirty days from the date of publication of this notice, persons having cause may present their objections in writing to the undersigned official of the Bureau of Land Management, Department of the Interior, P. O. Box 2237, Boise, Idaho.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

## BOISE MERIDIAN, IDAHO

A strip of land 200 feet wide on each side of the Lochsa River Road in the following subdivisions:

T. 35 N., R. 9 E.,  
Sec. 23, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 24, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 26, NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ;  
Sec. 27, NE $\frac{1}{4}$ SE $\frac{1}{4}$ , S $\frac{1}{2}$ S $\frac{1}{2}$ ;  
Sec. 32, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 33, NE $\frac{1}{4}$ , NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 34, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 35 N., R. 10 E.,  
Sec. 7, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, S $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 17, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , N $\frac{1}{2}$ NW $\frac{1}{4}$ ;

Sec. 18, NE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$ .

A 500-foot strip contiguous to and on the northwesterly side of the Lochsa River in the following subdivision:

T. 35 N., R. 10 E.,

Sec. 9, NW $\frac{1}{4}$ NE $\frac{1}{4}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ ,  
NW $\frac{1}{4}$ SW $\frac{1}{4}$ .

J. R. PENNY,  
State Supervisor.

[F. R. Doc. 57-3994; Filed, May 15, 1957;  
8:47 a. m.]

[Oregon 05261]

## OREGON

NOTICE OF PROPOSED WITHDRAWAL  
AND RESERVATION OF LANDS

MAY 7, 1957.

The United States Department of the Army, Corps of Engineers has filed an application Serial No. Oregon 05261, as amended, for the withdrawal of the lands described below, subject to valid existing rights, from all forms of appropriation under the public land laws.

The applicant desires the land for the expansion of the Umatilla Ordnance Depot.

For a period of 30 days from the date of publication of this notice, all persons who wish to submit comments, suggestions, or objections in connection with the proposed withdrawal may present their views in writing to the undersigned officer of the Bureau of Land Management, Department of the Interior, 1001 Northeast Lloyd Boulevard, P. O. Box 3861, Portland 8, Oregon.

If circumstances warrant it, a public hearing will be held at a convenient time and place, which will be announced.

The determination of the Secretary on the application will be published in the FEDERAL REGISTER. A separate notice will be sent to each interested party of record.

The lands involved in the application are:

## WILLAMETTE MERIDIAN, OREGON

T. 4 N., R. 27 E.,  
Sec. 12, N $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 24, E $\frac{1}{2}$ .  
T. 5 N., R. 27 E.,  
Sec. 32, All;  
Sec. 34, N $\frac{1}{2}$ , SW $\frac{1}{4}$ .

Approximately 1,560 acres.

ELTON M. HATTAN,  
Lands and Minerals Officer.

[F. R. Doc. 57-3995; Filed, May 15, 1957;  
8:47 a. m.]

## UTAH

RESTORATION ORDER UNDER FEDERAL POWER  
ACT

MAY 9, 1957.

Pursuant to a determination issued April 5, 1957, Docket No. DA-121-Utah, by the Federal Power Commission, and by authority delegated to the State Supervisor by Order No. 541, section 2.5, of the Director, Bureau of Land Manage-

ment, approved April 21, 1954 (19 F. R. 2473-2476), it is ordered as follows:

The land hereinafter described so far as it is withdrawn and reserved for power purposes, is hereby restored from the power site reserve to the extent necessary to permit the State Highway Commission of Utah to obtain a right-of-way under the act of November 9, 1921 (42 Stat. 212), for a material site, subject to the provision of section 24 of the Federal Power Act of June 10, 1920 (41 Stat. 1075; 16 U. S. C. 818), as amended.

#### SALT LAKE MERIDIAN, UTAH

T. 17 S., R. 8 E.,

Sec. 8: NW ¼ NE ¼.

The land is in Utah District No. 7 and is withdrawn by Power Site Reserve No. 363.

This restoration is limited to the purpose stated above and does not restore the land to disposition under the public land laws, and is, therefore, not subject to the provisions contained in the act of September 27, 1944 (58 Stat. 747; 43 U. S. C. 279-284), as amended, granting preference rights to veterans of World War II and others.

Inquiries concerning these lands shall be addressed to the Manager, Land Office, Post Office Box No. 777, or Room 312 Federal Building, Salt Lake City, Utah.

VAL B. RICHMAN,  
State Supervisor.

[F. R. Doc. 57-3996; Filed, May 15, 1957; 8:47 a. m.]

#### [Classification 7]

#### WASHINGTON

#### SMALL TRACT CLASSIFICATION

MAY 10, 1957.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totaling 77.5 acres in Clallam County, Washington, for public sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682a), as amended:

T. 30 N., R. 3 W., W. M.,

Sec. 22: Lots 7 through 37 (inclusive).

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to direct sale under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately two miles due east of Sequim, Washington, and approximately one-fourth mile from Washington Harbor, or Sequim Bay, in the Strait of Juan de Fuca. A hard-surfaced county road extends along the south boundary of a portion of the lots, which road intersects U. S. Highway No. 101 approximately one-half mile east of the town of Sequim. Domestic water is not available from

presently developed source. Schools, stores, and other public facilities are available in the town of Sequim. Soils are of a deep, sandy loam. The native vegetation consists of Douglas Fir and Western Red Cedar, with an understory of Alder, Salal, Greenbrier, and Raspberry.

4. The individual tracts contain 2.50 acres each, and are square in shape. The appraised values of the tracts vary from \$537.00 to \$3,813.90 per tract, as shown below, and includes the appraised value of merchantable timber growing thereon. A right-of-way will be reserved for an existing underground telephone cable extending across Lot Nos. 15, 16, 21, 25, 29, 30, 34, and 38, and as delimited on the official plat of survey of the tracts involved. Rights-of-way 33 feet and 66 feet in width will be reserved for street and road purposes, and public utilities, as shown below:

| Lot No. | Acres | Width (feet) | Right of way   |  | Appraised value                         |        |            |
|---------|-------|--------------|----------------|--|-----------------------------------------|--------|------------|
|         |       |              | Location       |  | Land                                    | Timber | Total      |
| 7       | 2.5   | 33           | West boundary  |  | \$2,500                                 | \$510  | \$3,010.00 |
| 8       | 2.5   | 33           | do             |  | 2,500                                   | 355    | 2,855.00   |
| 9       | 2.5   | 33           | do             |  | 2,500                                   | 280    | 2,780.00   |
| 10      | 2.5   | 33           | do             |  | 1,875                                   | 180    | 2,055.00   |
| 11      | 2.5   | 33           | East boundary  |  | 2,500                                   | 430    | 2,930.00   |
| 12      | 2.5   | 33           | do             |  | 500                                     | 520    | 1,020.00   |
| 13      | 2.5   | 33           | do             |  | 500                                     | 120    | 620.00     |
| 14      | 2.5   | 33           | do             |  | 500                                     | 135    | 635.00     |
| 15      | 2.5   | 33           | South boundary |  | 500                                     | 165    | 665.00     |
| 16      | 2.5   | 33           | West boundary  |  | 500                                     | 125    | 625.00     |
| 17      | 2.5   | 33           | do             |  | 500                                     | 75     | 575.00     |
| 18      | 2.5   | 33           | do             |  | 500                                     | 115    | 615.00     |
| 19      | 2.5   | 33           | South boundary |  | 500                                     | 35     | 535.00     |
| 20      | 2.5   | 33           | East boundary  |  | 500                                     | 115    | 615.00     |
| 21      | 2.5   | 33           | do             |  | 500                                     | 130    | 630.00     |
| 22      | 2.5   | 33           | do             |  | 500                                     | 100    | 600.00     |
| 23      | 2.5   | 33           | South boundary |  | 500                                     | 125    | 625.00     |
| 24      | 2.5   | 33           | West boundary  |  | 500                                     | 105    | 605.00     |
| 25      | 2.5   | 33           | do             |  | 500                                     | 115    | 615.00     |
| 26      | 2.5   | 33           | do             |  | 500                                     | 125    | 625.00     |
| 27      | 2.5   | 33           | South boundary |  | 500                                     | 260    | 760.00     |
| 28      | 2.5   | 33           | East boundary  |  | 500                                     | 110    | 610.00     |
| 29      | 2.5   | 33           | do             |  | 500                                     | 90     | 590.00     |
| 30      | 2.5   | 33           | do             |  | 500                                     | 100    | 600.00     |
| 31      | 2.5   | 33           | South boundary |  | 500                                     | 425    | 925.00     |
| 32      | 2.5   | 33           | West boundary  |  | 500                                     | 190    | 690.00     |
| 33      | 2.5   | 33           | do             |  | 500                                     | 150    | 650.00     |
| 34      | 2.5   | 33           | do             |  | 500                                     | 25     | 525.00     |
| 35      | 2.5   | 33           | South boundary |  | 500                                     | 230    | 730.00     |
| 36      | 2.5   | 33           | East boundary  |  | 500                                     | 280    | 780.00     |
| 37      | 2.5   | 33           | do             |  | 500                                     | 290    | 790.00     |
| 38      | 2.5   | 33           | do             |  | Not available—final certificate issued. |        |            |
|         |       | 66           | South boundary |  |                                         |        |            |

5. The above-described tracts, except as to those for which statutory preference claimants exercise their rights, will be sold at public auction at a public sale to be held at the old Armory, Western and Lenora, Seattle, Washington at 10:00 a. m., Saturday, August 17, 1957. Bids may be made personally by an individual or his agent at the public sale, but no bid will be recognized or be valid unless it is for at least \$10.00 more than the preceding high bid. Bids sent by mail by the individual or his agent will be considered only if received at the Spokane Office prior to 3:00 p. m., Thursday, August 15, 1957. No bid will be accepted if it is less than the appraised price of

the tract. See paragraph 4 above, for appraised values.

6. To facilitate the completion of the sale, all oral bidders entitled to veterans' preference should bring with them a photostatic copy of their discharge papers or other acceptable certification of proof of right to veterans' preference as outlined in paragraph 8.

7. Each bid sent by mail must clearly show: (a) The full name and mailing address of the bidder; (b) Classification Order No. 7; (c) the legal description of the lot for which the bid is made, described in accordance with paragraph 4 of this order. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers or other certification showing proof of veterans' preference as outlined in paragraph 8, below, must accompany the bid. Such papers will be returned promptly after the sale. Bids for separate lots must be enclosed in separate envelopes but payment and proof of veterans' preference need only accompany the highest bid, providing all other bids designate the envelope containing the payment and the veterans' preference proof. Each envelope must be addressed to Land Office Manager, Bureau of Land Management, 209 Federal Building, Spokane, Washington, and carry in the lower left hand corner of its face the following information and nothing else; (a) "Bid for Small Tract"; (b) "Classification Order No. 7"; (c) "veterans' preference" if the bidder is entitled to such preference; (d) the description of the lot for which the bid is made described in accordance with paragraph 4, above. Sender's name and return address should be shown on reverse side of envelope.

8. All valid applications filed prior to January 25, 1955, will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each lot at the sale will be awarded to the highest bidder among persons entitled to veterans' preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one lot, unless he is an agent acting for one or more persons. Persons entitled to veterans' preference, in brief are: (a) Honorably discharged veterans who served at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. Veterans who were discharged on account of wounds or disability incurred in the line of duty, or the surviving spouse or minor children of veterans killed in line of duty are eligible for veterans' preference regardless of whether such servicemen served less than 90 days after September 15, 1940.

9. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a lot at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract or lot is warranted in the circumstances.

10. Sealed bids will be opened in the presence of the public in the Land Office, 209 Federal Building, Spokane, Washington, beginning at 3:30 p. m., Thursday, August 15, 1957. List of the highest sealed bids received for each lot will be posted for public inspection at the sale.

11. All inquiries concerning these lands should be addressed to Land Office Manager, 209 Federal Building, Spokane, Washington, and should be accompanied by a stamped, self-addressed envelope.

FREMONT W. MEREWETHER,  
Acting State Supervisor.

[F. R. Doc. 57-3997; Filed, May 15, 1957;  
8:47 a. m.]

#### [Classification 8]

#### WASHINGTON

#### SMALL TRACT CLASSIFICATION

MAY 10, 1957.

1. Pursuant to the authority delegated to me by the Bureau Order No. 541, dated April 21, 1954 (19 F. R. 2473), I hereby classify the following described public lands, totaling 19.75 acres in San Juan County, Washington, for public sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609; 43 U. S. C. 682 (a), as amended.

T. 34 N., R. 2 W., W. M.,

Section 8: Lots 10 through 16 (inclusive).

2. Classification of the above described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to direct sale under the Small Tract Act and applications under the mineral leasing laws.

3. The land is located on San Juan Island near Cattle Point Lighthouse, and all of the land and each of the lots below described, border on Puget Sound to the east. The ground is fairly level, except for a rock outcropping in the east center position, and is approximately 20 feet above mean high tide. The soil is of a sandy texture, fast draining, and supports a growth of short duration sea grass. There is some unmerchantable timber in the north and south part of the platted area. The beach bordering the lots to the east is sandy with some rocky and gravel stretches. A single track dirt road across private property and public domain furnishes access to the area. There are no developed sources of water on any of the lots below described.

4. The area of the individual lots, frontage, improvements and appraised value is set forth below:

| Lot No. | Acres | Frontage (feet) | Price per front foot | Type improvement                                        | Value improvement | Total appraisal |
|---------|-------|-----------------|----------------------|---------------------------------------------------------|-------------------|-----------------|
| 10      | 1.85  | 132             | \$7.50               |                                                         |                   | \$990.00        |
| 11      | 2.05  | 132             | 7.50                 |                                                         |                   | 990.00          |
| 12      | 2.01  | 132             | 7.50                 |                                                         |                   | 990.00          |
| 13      | 1.66  | 132             | 7.50                 |                                                         |                   | 990.00          |
| 14      | 1.44  | 132             | 7.50                 |                                                         |                   | 990.00          |
| 15      | 2.55  | 211.53          | 7.50                 | Wood frame shed 11' x 11', Concrete root cellar.        | 25                |                 |
|         |       |                 |                      | Wood frame house.                                       | 750               |                 |
|         |       |                 |                      | Wood frame garage 33½ x 20.                             | 100               |                 |
|         |       |                 |                      |                                                         | 1,125             | 2,710.00        |
| 16      | 1.65  | 184.47          | 7.50                 | Wood frame shed 18 x 9'.                                | 25                |                 |
|         |       |                 |                      | Wood frame house 22' x 14'.                             | 250               |                 |
|         |       |                 |                      | Wood frame house, 1½ story, concrete piers, 28' x 27½'. | 2,000             |                 |
|         |       |                 |                      |                                                         | 2,300             | 3,680.00        |
| 17      | .9    | 132             | 5.00                 |                                                         |                   | 660.00          |
| 18      | .78   | 132             | 5.00                 |                                                         |                   | 660.00          |

<sup>1</sup> Computation rounded off to nearest \$5.00 to facilitate auction procedure.

A right-of-way easement is reserved over, under and across the west 60 feet of each of the above described lots for a public road and for various public utility installation purposes.

5. Persons who have previously acquired a tract under the Small Tract Act are not qualified to purchase a tract at the sale unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

6. The above-described tracts, except those for which statutory preference claimants exercise their rights, will be sold at public auction at a public sale to be held at the old Armory, Western and Lenora, Seattle, Washington, at 2:00 p. m. Saturday, August 17, 1957. Bids may be made personally by an individual or his agent at the public sale, but no bid will be recognized or be valid unless it is for at least \$10.00 more than the preceding high bid. Bids sent by mail by the individual or his agent will be considered only if received at the Spokane Land Office prior to 3:00 p. m., Thursday, August 15, 1957. No bid will be accepted if it is less than the appraised price of the tract. See paragraph 4 above, for appraised values.

7. To facilitate the completion of the sale, all oral bidders entitled to veterans' preference should bring with them a photostatic copy of their discharge papers or other acceptable certification of proof of right to veterans' preference as outlined in paragraph 9.

8. Each bid sent by mail must clearly show: (a) The full name and mailing address of the bidder; (b) Classification Order No. 8; (c) the legal description of the tract for which the bid is made, described in accordance with paragraph 4

of this order. Each bid must be accompanied by the full amount of the bid in the form of a certified or cashier's check, post office money order, or bank draft made payable to the Bureau of Land Management. All unsuccessful bids will be promptly returned after the sale. A photostatic copy of bidder's discharge papers or other certification showing proof of veterans' preference as outlined in paragraph 9, below, must accompany the bid. Such papers will be returned promptly after the sale. Bids for separate tracts must be enclosed in separate envelopes but payment and proof of veterans' preference need only accompany the highest bid, providing all other bids designate the envelope containing the payment and the veterans' preference proof. Each envelope must be addressed to Land Office Manager, Bureau of Land Management, 209 Federal Building, Spokane, Washington, and carry in the lower left hand corner of its face the following information and nothing else; (a) "Bid for Small Tract"; (b) "Classification Order No. 8"; (c) "veterans' preference" if the bidder is entitled to such preference; (d) the description of the tract for which the bid is made described in accordance with paragraph 4, above. Sender's name and return address should be shown on reverse side of envelope.

9. All valid applications filed prior to January 25, 1955, will be granted the preference rights provided for by 43 CFR 257.5 (a). In accordance with 43 CFR 257.14 (e), each tract at the sale will be awarded to the highest bidder among persons entitled to veterans' preference, and if there be none, to the highest bidder among nonpreference bidders. No person will be awarded more than one tract, unless he is an agent acting for one or more persons. Persons entitled to veterans' preference, in brief are: (a) Honorably discharged veterans who served at least 90 days after September 15, 1940; (b) surviving spouse or minor orphan children of such veterans; and (c) with the consent of the veteran, the spouse of living veterans. Veterans who were discharged on account of wounds or disability incurred in the line of duty, or the surviving spouse or minor children of veterans killed in line of duty are eligible for veterans' preference regardless of whether such servicemen served less than 90 days after September 15, 1940.

10. Sealed bids will be opened in the presence of the public in the Land Office, 209 Federal Building, Spokane, Washington, beginning at 3:30 p. m., Thursday, August 15, 1957. List of the highest sealed bids received for each tract will be posted for public inspection at the sale.

11. All inquiries concerning these lands should be addressed to Land Office Manager, 209 Federal Building, Spokane, Washington, and should be accompanied by a stamped, self-addressed envelope.

FREMONT W. MEREWETHER,  
Acting State Supervisor.

[F. R. Doc. 57-3998; Filed, May 15, 1957;  
8:47 a. m.]

# INTERSTATE COMMERCE COMMISSION

## FOURTH SECTION APPLICATIONS FOR RELIEF

MAY 13, 1957.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the *FEDERAL REGISTER*.

### LONG-AND-SHORT HAUL

FSA No. 33691: *Building paper—Kaukauna, Wis., to southern territory*. Filed by W. J. Prueter, Agent, for interested rail carriers. Rates on building, roofing or sheathing paper, carloads from Kaukauna, Wis., to points in southern territory.

Grounds for relief: Short-line distance formula, market competition, operation through higher-rated intermediate territories, and circuitous routes.

Tariff: Supplement 23 to Agent Prueter's tariff I. C. C. A-4165.

FSA No. 33692: *Anthracite coal and briquettes to New Jersey and New York*. Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on anthracite briquettes and anthracite coal, in carloads as described in the application, from specified points in the Schuylkill region of Pennsylvania described in the application to Edgewater, N. J., and other points on the New York Central Railroad (West Shore) North Bergen, N. J., to Cornwall, N. Y., inclusive.

Grounds for relief: Grouping.

Tariff: Supplement 39 to Reading Company tariff I. C. C. A-390.

FSA No. 33693: *Asphalt to trunk line and central territories*. Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on asphalt (asphaltum), natural, by-product or petroleum, in packages or in bulk, carloads, also tank-car loads from points in Delaware, Maryland, Massachusetts, New Jersey (including Whippany), New York, Pennsylvania, Rhode Island, and Virginia to specified points in New York and Pennsylvania in the Niagara Frontier area, also to the same points and to other points in New York, Ohio, Pennsylvania, and West Virginia from Whippany, N. J.

Grounds for relief: Grouping, market competition from Whippany, and circuitous routes.

Tariff: Agent H. R. Hinsch's tariff I. C. C. 4780.

FSA No. 33694: *Brick and related articles—Mechanicville, N. Y. to the South*. Filed by O. E. Schultz, Agent, for interested rail carriers. Rates on brick and related articles, also refractory articles, carloads from Mechanicville, N. Y. to specified points in southern territory.

Grounds for relief: Short-line distance formula, market competition, and circuitous routes.

Tariffs: Supplement 27 to Agent C. W. Boin's I. C. C. A-917. Supplement 28 to Agent C. W. Boin's I. C. C. A-917.

FSA No. 33695: *Hides, pelts and skins—Moore and Roebuck, S. C. to Boston, Mass.* Filed by O. W. South, Jr., Agent, for interested rail carriers. Rates on hides, pelts and skins, as described in the application, carloads from Moore and Roebuck, S. C., to Boston, Mass., and points grouped with and taking Boston rates.

Grounds for relief: Circuitous routes. Tariff: Supplement 21 to Agent Spaninger's tariff I. C. C. 1539.

FSA No. 33696: *Iron and steel articles—Lower Mississippi River Crossings to Upper Mississippi River Crossings and northern points*. Filed by F. C. Kratzmeir, Agent, for interested rail carriers. Rates on iron and steel articles, carloads from Baton Rouge, North Baton Rouge, New Orleans, La., and points on Louisiana & Arkansas Railway between New Orleans and Baton Rouge, also Helena, Ark., Memphis, Tenn., and Natchez, Miss., to Cairo, Flinton, and Thebes, Ill., and points in official (including Illinois) territory, as described in the application.

Grounds for relief: Circuitous routes in part west of the Mississippi River.

FSA No. 33697: *Substituted service—motor-rail-motor—N. Y., N. H. & H. Railroad*. Filed by The New York, New Haven and Hartford Railroad Company, for itself and on behalf of P. B. Mutrie Motor Transportation, Inc., and other motor carriers. Rates on various commodities, loaded in or on highway trailers and transported on railroad flat cars between Boston, Mass., Harlem River, N. Y., and Providence, R. I., on the one hand, and New Haven, Conn., on the other; and between Harlem River, N. Y., and New Haven, Conn., on the one hand, and Springfield, Mass., on the other.

Grounds for relief: Motor truck competition.

By the Commission.

[SEAL]

HAROLD D. MCCOY,  
Secretary.

[F. R. Doc. 57-4015; Filed, May 15, 1957; 8:50 a. m.]

*[The page contains extremely faint, illegible text impressions.]*